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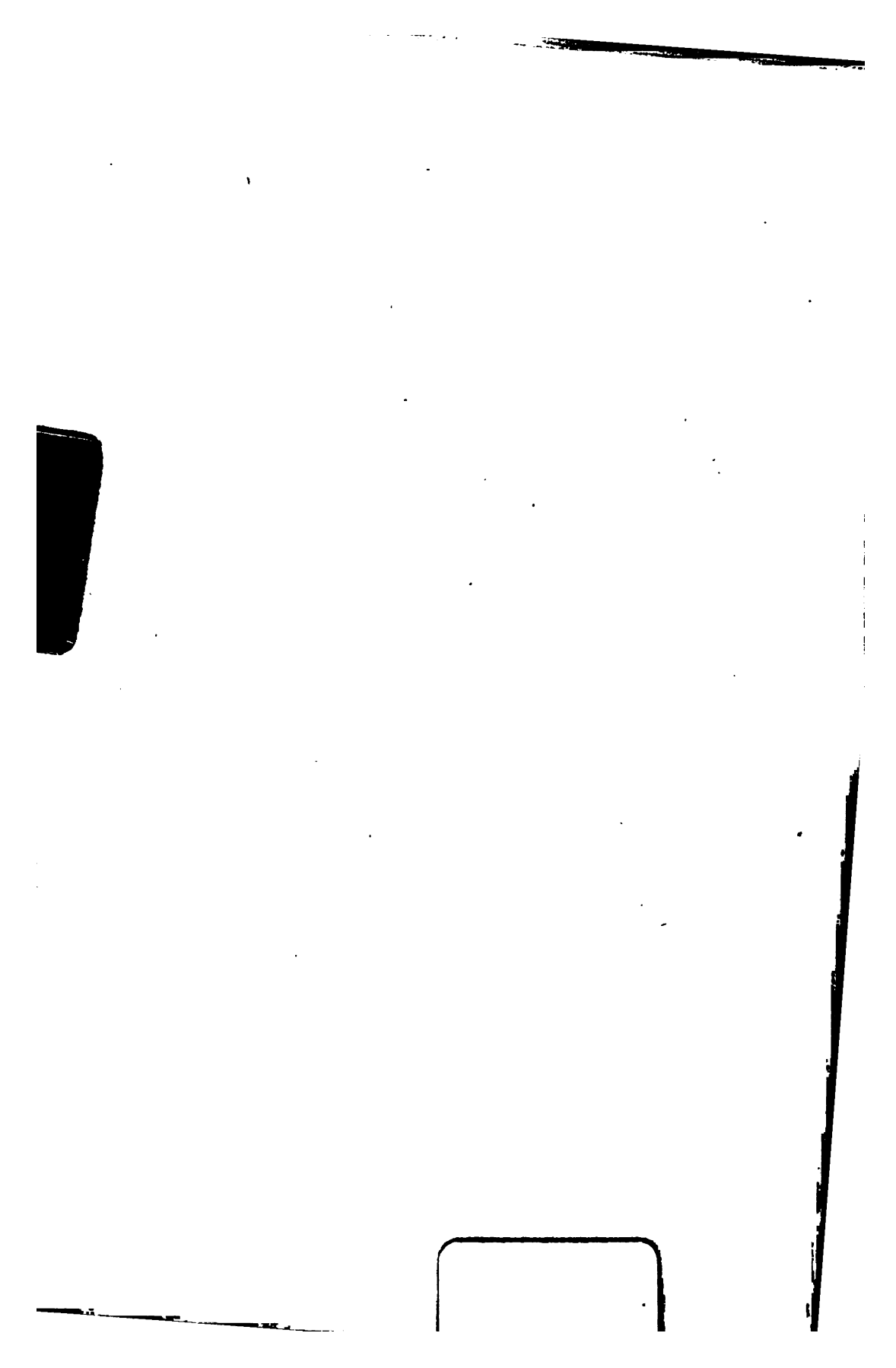
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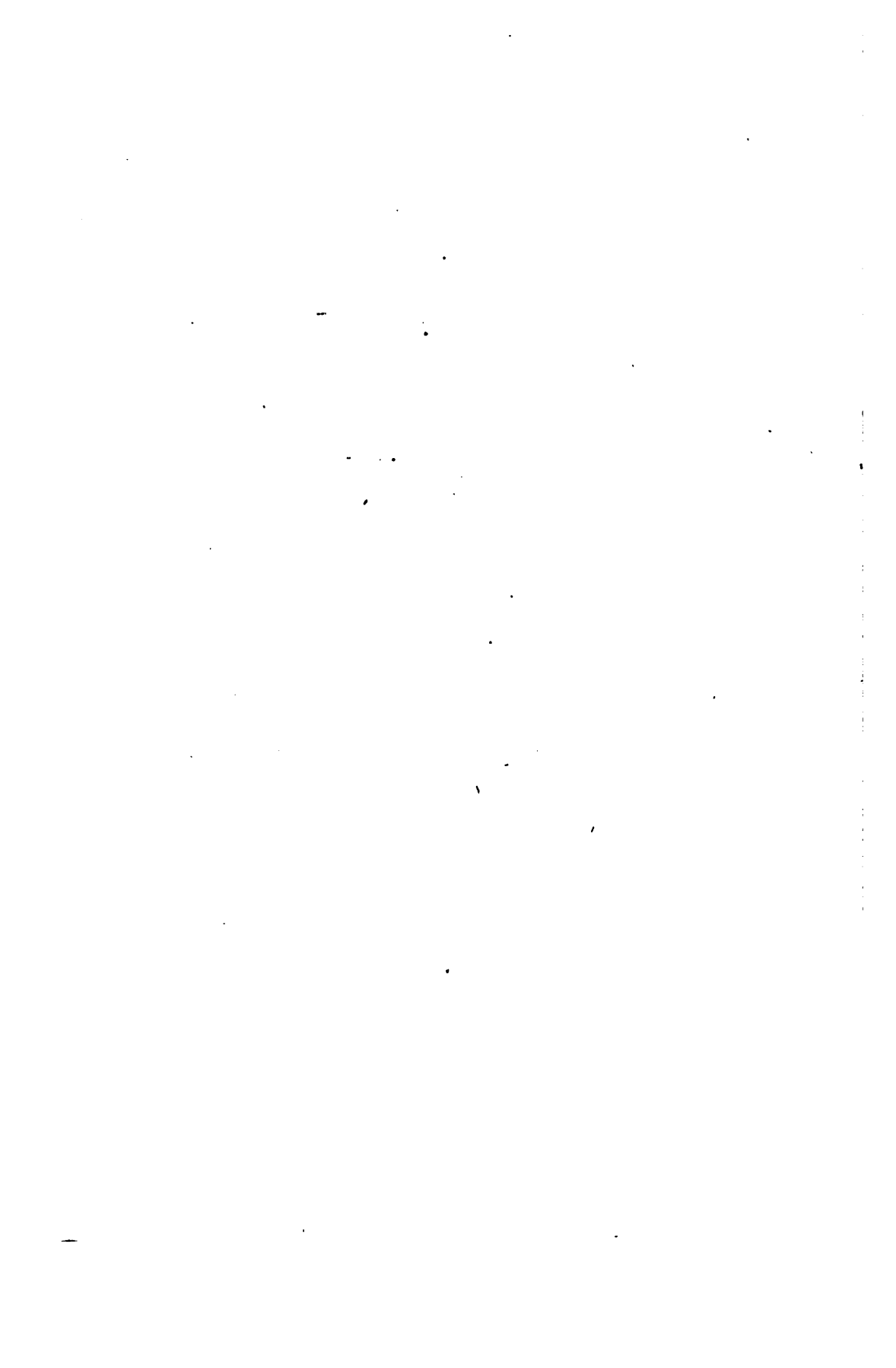
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Chris Sedgwick









8

J. A. Blinn

Cinti. Ohio

Oct 10<sup>th</sup> 1881.







   
THE STATE OF OHIO.

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# GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-FOURTH GENERAL ASSEMBLY

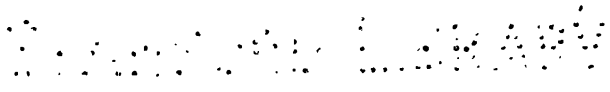
AT AN ADJOURNED SESSION THEREOF,

*Begun and held in the City of Columbus, January 4, 1881.*

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VOLUME LXXVIII.

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# GENERAL LAWS.

[Senate Bill No. 206.]

## AN ACT

To authorize certain incorporated villages to build railroads, and to lease or operate the same.

[WASHINGTON C. H.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any incorporated village which, by the federal census of 1870, had, and which by any federal census may have, a population of two thousand one hundred and seventeen, the village council thereof shall, by a resolution passed by a two-thirds vote of the members elected thereto, declare it to be essential to the interest of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, said village to be in the line thereof, it shall be lawful for the village council of such village to borrow as a fund for that purpose, not to exceed twenty thousand dollars, and to issue bonds therefor, bearing interest not to exceed six per centum per annum, payable semi-annually in such sums as shall be deemed best by said council; such bonds to be issued in the name of such village, under the corporate seal thereof, and payable in equal installments in one, two, three, and four years from their date; said bonds shall be signed by the mayor, and attested by the clerk of said village; and the said clerk shall keep a register of the same, and the faith of the village shall be pledged for the redemption of said bonds; and it shall be the duty of the council of such village, annually, to levy sufficient tax to pay the interest on and provide a sinking fund for the final redemption of said bonds; and said bonds shall not be sold or disposed of for less than their par value: provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to the qualified electors of such village, at a special election to be ordered by a resolution passed by a two-thirds vote of all the members of such village council, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such village, and by publishing a notice for three successive weeks in a newspaper published, and of general circulation in such village: and further provided, that three-fifths of said electors voting at such election shall be in favor of

thus building such line of railway. The returns of such election shall be made and duly certified by the corporation clerk to the council, who shall declare the result of the same by resolution.

SEC. 2. The said village council shall have the control and disbursement of said funds, and shall expend the same in procuring right of way, depot grounds, and constructing said railway, with all necessary appendages; and for that purpose shall have power and capacity to make contracts, and to appoint and employ, and pay, officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchise for that purpose.

SEC. 3. The said village council shall keep a full record of their proceedings, and they shall also cause to be kept a full and accurate account of their receipts and expenditures in the construction of said line of railway.

SEC. 4. Said council shall have power to require and take such security from any officer, agent, or contractor chosen, appointed, or employed by them, as they may deem advisable. The members of said council shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway.

SEC. 5. Whenever, in the construction of said line of railroad as herein provided, it shall be necessary to appropriate any lands for right of way, depot purposes, rights, or franchises, proceedings shall be commenced and conducted, in all respects, in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," and the acts amendatory thereto.

SEC. 6. Said council, when said piece of railroad is completed, shall have power to sell, lease, or operate the same upon such terms and conditions as they may deem best for the interest of said village.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April —, 1880.

[Senate Bill No. 202.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same,

[VALLEY TOWNSHIP, GUERNSEY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of eight hundred and thirty-four, the town-

ship trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein, in the said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than seventeen mills on the dollar, including the levy for said bonds: and, provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful

discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and, if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place; and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action, shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said

board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 13, 1881.

[Senate Bill No. 164.]

## AN ACT

To amend section four thousand one hundred and fifteen of the revised statutes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand one hundred and fifteen of the revised statutes be amended so as to read as follows:

Mode of conveyance by state, of lands and records thereof.

Section 4115. All conveyances of real estate, or any interest therein, sold on behalf of the state, in pursuance of law, shall be drafted by the auditor of state, executed in the name of the state, signed by the governor, countersigned by the secretary of state, and sealed with the great seal of the state; and the auditor shall thereupon record such conveyances, in books to be kept by him for that purpose, deliver them to the persons entitled thereto, and keep a record of such delivery, showing to whom delivered, and the date thereof. And when any title deed so recorded by said auditor, or which has been heretofore recorded in his office, or in the office of the secretary of state, the record of which is now by law required to be kept in the office of said auditor, has been lost or destroyed by accident, without having been recorded in the recorder's office of the proper county, the said auditor shall, on demand and tender of the proper fees therefor, furnish to any person a copy of such deed duly certified under his official seal, which said copy so certified and sealed shall be received in all courts and places in this state as prima facie evidence of the existence of such deed, and shall in all respects have the same force and effect as certified copies from the records of deeds recorded in the county where such lands are situate.

Copy of record of lost deed to be evidence.

SEC. 2. The said section four thousand one hundred and fifteen be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 14, 1881.

[Senate Bill No. 201.]

## AN ACT

To amend sections three thousand nine hundred and thirty-four and three thousand nine hundred and forty-eight of the revised statutes of Ohio.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections three thousand nine hundred and thirty-four and three thousand nine hundred and forty-eight be so amended as to read as follows:

Section 3934. It shall be the duty of such boards to meet and

consider the petition within thirty days from the time the same is filed, but if they do not do so within sixty days from such time, or having met, established, or determined not to establish a joint sub-district, three or more electors of the territory sought to be included therein may file a petition or remonstrance, for or against the same, with the probate judge of the county; and if the territory sought to be included therein is situated in two or more counties, the petition may be filed with the probate judge of either county.

When petition for joint sub-district may be filed with probate judge.

Section 3948. It shall be the duty of such board or boards to meet and consider the petition within thirty days from the time the same is filed, but on failure to do so within sixty days of such time, or if the board or boards meet and grant, or refuse to grant, the prayer of the petition, a petition or a remonstrance may be filed with the probate judge of the county, by either party, as provided in section three thousand nine hundred and thirty-four; and, thereafter, such proceedings may be had thereon, and they shall have the same effect as is herein provided for the formation of joint sub-districts.

Same.

SEC. 2. That sections three thousand nine hundred and thirty-four and three thousand nine hundred and forty-eight be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 14, 1881.

[Senate Bill No. 149.]

#### AN ACT

To amend section six thousand and twenty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand and twenty-one of the revised statutes of Ohio be amended as follows:

Section 6021. Where any letters of administration shall be revoked, or when any executor or administrator, or administrator with the will annexed, shall be removed or resign, or the authority as such, of a woman extinguished, or a will shall be declared invalid for any cause, all previous sales, whether of real or personal property, made lawfully and in good faith by the executor or administrator, or administrator with the will annexed, and with good faith on the part of the purchasers, and all lawful acts done in the settlement of the estate or execution of the will, shall be valid as to such executor or administrator, or administrator of the will annexed; but the sums paid out or distributed to legatees or other distributees may, when necessary for the proper execution of a

Sales, etc., of former executor or administrator valid.

will or administration of an estate, be recovered from the persons receiving the same.

SEC. 2. That original section six thousand and twenty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 14, 1881.

[Senate Bill No. 154.]

#### AN ACT

To amend section three hundred and twenty-nine of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and twenty-nine of the revised statutes of Ohio be amended as follows:

Contracts for  
German print-  
ing, how and  
by whom let.

Section 329. The commissioners of public printing shall, at the same time and in the same manner as is prescribed in sections three hundred and twenty and three hundred and twenty-one, give notice that sealed proposals will be received at the office of the secretary of state for the printing, in the German language, of all documents ordered to be printed in that language, by the general assembly, or by either branch thereof, which proposals shall distinctly state the price per thousand ems for composition, the price per token for press work, and the price per thousand words for the translation, at which the bidder is willing to perform the work; and the commissioners of public printing and the contractor for the German printing shall be governed by the same rules regarding the notices, the bonds, the contract, the execution of the work, and the expense of transporting copy, paper, proofs, and printed sheets, as specified in this chapter relative to printing in the English language.

SEC. 2. That original section three hundred and twenty-nine be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 14, 1881.



[Senate Bill No. 99]

## AN ACT

To prohibit the selling of pools upon the result of any trial or contest of skill, speed, or power of endurance of man or beast.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section six thousand nine hundred and thirty-nine of the revised statutes, with sectional numbering, as follows:

Section 6939a. Whoever shall keep any room or building, or any portion of any room or building, or occupy any place upon public or private grounds, any where within the state of Ohio with apparatus, books, or other device for the purpose of recording or registering bets or wagers or of selling pools, and any person who shall record or register bets or wagers, or sell pools upon the result of any trial or contest of skill, speed, or power of endurance of man or beast, or being the owner, lessee, or occupant of any such rooms, building, part, or portion thereof, shall knowingly permit the same to be used or occupied for any of the purposes aforesaid, or shall therein keep, exhibit, or employ any device or apparatus for the purpose of registering or recording such bets or wagers, or for the selling of such pools, or shall become the custodian or depository for hire or reward of any money, property, or other thing of value staked, wagered, or pledged as aforesaid upon any such results, such person shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not more than five hundred dollars nor less than five dollars, or imprisoned in the county jail for not more than six months nor less than ten days, or by both fine and imprisonment, at the discretion of the court.

Selling of  
pools prohib-  
ited.

Penalty.

SEC. 2. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed January 18, 1881.

[House Bill No. 518.]

## AN ACT

To regulate the construction, enlargement, changes in, and conduct and management of water-works in certain cities, and to authorize the issue of bonds in connection therewith.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city in this state which by the federal census of 1880 had, or which by any federal census hereafter may have on the first day of June in any year, a population of twenty thousand seven hundred and twenty-seven, having ordered

Council may  
issue bonds  
to construct  
water-works.

the construction of water-works therein and established a board of trustees for the same, are hereby authorized, for the purpose of providing the means to pay the costs and expenses of constructing the water-works, and of making enlargements and extensions thereof, and changes therein, to issue the bonds of the city for any amount not exceeding in the aggregate for all of said purposes four hundred thousand dollars, which bonds may be made to run for any length of time not exceeding thirty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, to be negotiated in the manner now provided by section two thousand seven hundred and nine of the revised statutes of Ohio, the proceeds thereof to be applied exclusively to the payment of said costs and expenses.

During erection,  
tax to be  
levied to pay  
interest.

SEC. 2. During the erection and completion of such water-works, and until they are put in operation, the council of such city shall annually assess and levy upon the entire taxable property of the corporation a tax sufficient to pay the accruing interest on all bonds issued in pursuance of this act.

When trustees of  
water-works to  
report to council.

SEC. 3. The trustees of such water-works shall, on the second Monday in May, annually, make a report to council of the condition of the water-works, and after the same shall have been put in operation, shall include in every such report an estimate prepared by them of the amount of money which, in addition to the balance, if any, to their credit then in the treasury, will be sufficient to discharge their then existing indebtedness, and to defray the necessary costs and expenses of managing, conducting, and repairing the water-works during the next succeeding year, which estimate shall be forthwith certified by the clerk of such city to the corporation treasurer; and for the purpose of paying the costs and expenses in this section named, the receipts from the water-works, when paid into the treasury, may be drawn upon by the trustees in the manner now prescribed by section two thousand four hundred and fourteen of said revised statutes, but for no other purpose whatever, and the entire amount so drawn by them during any one year next succeeding the second Monday in May shall not exceed the amount of their last preceding estimate included in their report as aforesaid and the balance, if any, to their credit in the treasury at the date of such estimate: provided, that no contract or agreement entered into, or obligation incurred, or expenditure authorized by the trustees for and on account of the management, conduct, or repair of the water-works, shall be binding upon any such city, except as being payable out of such receipts from the water-works as by this section are placed at the disposal of the trustees, or being first approved by council out of any funds which council may provide for the purpose of meeting such costs and expenses should the total receipts from the water-works prove insufficient therefor.

Receipts  
from water-  
works, how  
applied.

SEC. 4. Whenever in any year between the second Monday in May, and the second Monday of May of the next succeeding year, the receipts from the water-works paid into the treasury for the portion of the year which shall then have expired equal the amount of the last preceding estimate re-

ported as aforesaid to council, the corporation treasurer shall forthwith certify the fact to council, and the residue of all the receipts from the water-works for such year shall be under the exclusive control of council, and shall be applied exclusively to the payment of the interest on and the creation and maintenance of a sinking fund for the liquidation of the principal of all bonds issued in pursuance of this act until all such bonds are fully paid, when any such surplus may be applied by council to the extension, enlargement, or alteration of such water-works; and council shall, annually, after such water-works shall have been put in operation, assess, and levy, if necessary, such a tax as, together with the receipts from the water-works and other moneys of the city applicable to the purpose, shall be sufficient to provide for said interest and sinking fund, the whole or any part of which tax may be assessed and levied either upon the entire taxable property of the corporation, or upon such property as is described, and in the manner provided in section two thousand four hundred and thirty of said revised statutes.

How sinking fund for payment of bonds created.

SEC. 5. The council of any such city which has heretofore adopted, or which may hereafter adopt, plans and specifications, or either, for the construction, extension, or enlargement of water-works, or for changes therein, shall at any time have the right to alter or modify any such plans or specifications, by resolution or ordinance, and may prescribe the time and order in which the work or any part thereof indicated in any such original, or modified, or altered plans, or specifications shall be done, and the trustees shall make no enlargement or extension of the water-works or changes therein, except for necessary repairs, unless thereto directed by council, and shall cause the water-works to be constructed, and all enlargements and extensions thereof, and changes therein ordered by council, made according to the plans and specifications, and as nearly as may be reasonably practicable in the time and order respectively prescribed by council: provided, that council shall not make any such alteration or modification as aforesaid as to any part of the work above named so as to effect any contract for the same after such contract is made, and ratified in the manner hereinafter prescribed, unless the contractor consents to such alteration or modification.

Plans and specifications may be altered.

Alterations not to effect contract made.

SEC. 6. No contract or agreement entered into, or obligation incurred, or expenditure authorized by the trustees of the water-works for or towards the construction, enlargement, or extension of the water-works, or for changes therein, except necessary repairs, or in any way relating to the water-works, or to anything incident or appurtenant thereto, shall be binding upon any such city, nor shall any money be appropriated or drawn from the treasury of the city to execute any such contract or agreement, or to discharge any such obligation, or to defray any such expenditure, unless before going into operation the same is ratified by council: provided, that this section shall not apply to the necessary costs and expenses of managing, conducting, and repairing such water-works after the same shall have been put in operation.

Contracts to be ratified by council.

Moneys to be under exclusive control of council.

Council may assess cost of laying pipe on abutting property.

Expenses to be paid by annual levy until receipts are sufficient to meet them.

Power of taxation not restricted by limitations now imposed by law.

SEC. 7. All moneys for the construction, enlargement, or extension of the water-works, or for changes therein, except for necessary repairs, shall be under the exclusive control of council, to be paid out of the treasury only by order of council upon proper claims certified to by the trustees of the water-works as being just and correct.

SEC. 8. The council of any such city, when they order water-pipe to be laid in connection with and as an extension of such water-works, after the original construction thereof, may, with the concurrence of two thirds of all the members elected thereto, assess and levy the whole or any part of the costs and expenses of such water-pipe upon all the taxable property adjoining, abutting, or bounding upon any street, lane, alley, public road, block, square, or premises through which such water-pipe shall be laid, such assessment and levy to be made in the manner pointed out in section two thousand four hundred and thirty of said revised statutes.

SEC. 9. The council of any such city shall, annually, until the receipts from the water-works are sufficient to defray the expenses of managing, conducting, and repairing the same, assess and levy upon the entire taxable property of the corporation such tax as, together with said receipts, will provide for said expenses.

SEC. 10. The execution of the power of taxation conferred by this act shall not be restricted by any limitation now placed by law on the amount of taxes which may be assessed and levied for municipal purposes, nor shall the council of any such city, or the trustees of such water-works, be governed in the execution hereof, or in the construction, enlargement, or extension of such water-works, or in making changes therein, or in managing, conducting, or repairing the same, by section two thousand seven hundred and two of said revised statutes, but all other provisions of existing law relating to water-works, and not inconsistent with the terms of this act, shall remain unaffected thereby.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed January 18, 1881.

[Senate Bill No. 109.]

#### AN ACT

To amend section four hundred and thirty-seven of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and thirty-seven of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be amended so as to read as follows:

Section 437. In lieu of the letting, and printing, and binding of the reports by the means aforesaid, the secretary of state,

when and as often as he is thereto authorized by resolution of the general assembly, may contract with any responsible person or firm to furnish the material and to print and bind in the manner in all respects, and with the expedition provided in this chapter, a sufficient number of copies of each volume of the reports to supply the state with three hundred and fifty copies at a cost not exceeding one dollar and fifty cents per volume, and the demand of the citizens of this state, at a cost not exceeding one dollar and seventy-five cents per volume, delivered at some convenient point within the state; and, in addition thereto, to furnish the secretary promptly with a requisite number of advance sheets of such reports, as herein provided, for distribution as aforesaid, and the price per volume of the reports to any person or firm in this state shall not exceed the sum named in the contract with the secretary, for a period of twenty years; but nothing in this chapter shall prevent the person or firm so contracting with the secretary from doing or causing the work to be done outside the state of Ohio; and such person or firm so contracting shall enter into bonds to the state, with at least three good and sufficient sureties, residents of the state, to the satisfaction of the governor, in the sum of ten thousand dollars, conditioned for the printing and binding, as provided in this chapter, of such reports for the state, and for citizens thereof, on demand, at a cost named in such contract, and for the furnishing of such advance sheets for distribution, as aforesaid. Such contract shall not be for a longer period than two years; and such contractor shall have the sole and exclusive right to publish such reports, so far as the state can confer the same, during such period of two years, and shall be furnished with the manuscript to be printed, as provided in this chapter.

Sec. 2. Said original section four hundred and thirty-seven is hereby repealed, and this act shall take effect from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 17, 1881.

[House Bill No. 215.]

#### AN ACT

To amend section six thousand eight hundred and forty-five of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand eight hundred and forty-five of the revised statutes of Ohio be amended so as to read as follows:

Section 6845. A carrier, warehouseman, factor, storage, forwarding, or commission merchant, or manufacturer, or his clerk,

Secretary of state to contract for printing supreme court reports.

Cost, etc.

Price to citizens of state not to exceed contract price for twenty years.

Bond of contractor.

Embezzlement by carrier, warehouseman, commission merchant, etc.

Embezzlement by consignors.

agent, or employe; who, with intent to defraud, sells, or in any way disposes of, or applies or converts to his own use, any bill of lading, custom house permit, or warehouse keeper's receipt, intrusted to or possessed by him, or any property intrusted or consigned to him, or the proceeds of profits of any sale of such property, or fails to pay over such proceeds, deducting charges and usual or agreed commission, or the product of any property delivered to him to be manufactured, after deducting any compensation to which he may be entitled as commission for the manufacture; and a consignor of any property, or his agent, not being absolute owner thereof, and not having authority to stop, countermand, or change the consignment thereof, or to sell or incumber the same during transit, who; with intent to defraud, after delivery thereof for transportation on any water-craft or vehicle, in any way way stops, countermands, or changes the consignment thereof, or sells, disposes of, or incumbers such property, or in any way converts the same to his own use, shall be imprisoned in the penitentiary not more than four years nor less than one year. [42 v. 49, § 7; 50 v. 132, § 3; 71 v. 66, § 1.]

SEC. 2. Said original section is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 25, 1881.

[House Bill No. 146.]

#### AN ACT

To amend section number five thousand one hundred and seventy-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number five thousand one hundred and seventy-six of the revised statutes of Ohio be amended to read as follows:

Causes for challenge of jurors.

Section 5176. The following shall be good cause for challenge to any person called as a juror for the trial of any cause:

1. That he has been convicted of a crime which by law renders him disqualified to serve on a jury.
2. That he has an interest in the cause.
3. That he has an action pending between him and either party.
4. That he has formerly been a juror in the same cause.
5. That he is the employer, employe, counselor, agent, steward, or attorney of either party.
6. That he is subpoenaed in good faith in the cause as a witness.

7. That he is a kin to either party, or to his attorney.

8. That he is a party to another action then pending in the court, in which any attorney in the cause then on trial is an attorney, either for or against him.

9. That he, not being a regular juror of the term, has served once already as a talesman in the trial of any cause, in any court of record in the county within the preceding twelve months; and in either of said cases the same shall be considered as a principal challenge, and the validity thereof tried by the court.

SEC. 2. Said original section number five thousand one hundred and seventy-six is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 25, 1881.

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[House Bill No. 546.]

#### AN ACT

To provide for deficiencies in state common school fund by anticipation of payment thereof by drafts on county treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section one hundred and fifty-nine and one hundred and sixty of the revised statutes of Ohio, with sectional numbering as herein provided:

Section 160 (a). When he ascertains that the money in the state treasury belonging to the state common school fund will probably be insufficient to pay the appropriations made payable out of that fund, he shall draw for the amount of the probable deficiency in favor of the treasurer of state on such county treasurers and in such amounts as he deems proper to meet such deficiency, and deliver the drafts to the treasurer of state, and take his receipt therefor, and charge the treasurer therewith; and the treasurer of state shall immediately proceed to collect such drafts, and the county treasurers shall pay the same if they have in their hands sufficient sums collected for state common school purposes to pay them; and such drafts, if paid, shall be evidence of the payment of the sums therein specified into the state treasury, and shall, on delivery thereof to the auditor of state, be credited to the county treasurers, respectively, in their semi-annual settlement: provided, that the auditor of state shall not issue a draft upon a county treasurer for a sum in excess of what will be due

When state common school fund deficient, auditor of state to draw on county treasurers for amounts sufficient to meet such deficiency.

such county as its proportion of state common school fund, in accordance with section three thousand nine hundred and fifty-six of the revised statutes of Ohio.

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 25, 1881.

[House Bill No. 548.]

AN ACT

Making appropriations to meet deficiencies in the appropriations for the legislature and decennial board of equalization, for the year ending February 15, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the following sums for the purposes herein named, to wit:

*For the Legislature.*

Salaries and mileage of the members of the general assembly, per diem of clerks, sergeant-at-arms, and employes, thirty-one thousand and seventy dollars, (\$31,070).

*For Decennial Board of Equalization.*

For officers, pages, and employes, one thousand dollars (\$1,000). To pay mileage of members of board of equalization, thirty-eight dollars (\$38).

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 25, 1881.

[Senate Bill No. 194.]

AN ACT

To amend section four thousand two hundred and two of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand two hundred and two of the revised statutes of Ohio be amended so as to read as follows:



Section 4202. No person or corporation being the owner or having the charge of any horses, mules, cattle, sheep, goats, swine, or geese shall suffer the same to run at large in any public road or highway, or in any street, lane, or alley, or upon any uninclosed land, or cause such animals to be herded, kept, or detained for the purpose of grazing the same on premises other than those owned or occupied by the owner or keeper of such animals, except as hereinafter provided; and any person violating the provisions of this section shall forfeit and pay for every such violation, as penalty therefor, not less than one dollar nor more than five dollars; continued violation, after notice or prosecution, shall be held to be an additional offense for each and every day of such continuance.

Certain animals not to run at large.

Penalty.

SEC. 2. That said original section four thousand two hundred and two be and the same is hereby repealed; and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed January 25, 1881.

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[House Bill No. 558.]

AN ACT

To amend section five thousand eight hundred and thirty-six of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand eight hundred and thirty-six of the revised statutes of Ohio be so amended as to read as follows:

Section 5836. When the surety in a judgment, who is certified therein to be such, or his personal representative, pays the judgment, or any part thereof, he shall, to the extent of such payment have all the rights and remedies against the principal debtor that the plaintiff had at the time of such payment; and proceedings to revive the judgment shall be as provided in section five thousand three hundred and sixty-seven, and shall be in the name of such surety or representative, but the plaintiff in the original action shall not be liable for any costs therein.

Surety on judgment may revive same.

SEC. 2. Said original section five thousand eight hundred and thirty-six is hereby repealed, and this act shall be in force from its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 28, 1881.

[House Bill No. 639]

## AN ACT

Relating to agricultural fair grounds.

[WARREN COUNTY.]

How certain  
agricultural  
societies may  
provide addi-  
tional  
grounds.

Such lands to  
be conveyed  
to county  
commis-  
sioners for use  
of county.

County com-  
missioners  
may appro-  
priate lands.

Cost not to  
exceed ten  
thousand dol-  
lars.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any county agricultural society, in any county of this state, having a population, by the census of 1870, of twenty-six thousand six hundred and eighty-nine inhabitants, owns real estate which, with the improvements thereon, is used for the purpose of holding annual fairs; and when any such society shall deem it necessary, for the purpose of paying off an existing indebtedness, and to purchase additional grounds, not exceeding ten acres, for the use of any such society, and to improve the same, and the board of directors of such society, at a regular or called meeting, shall, by resolution, passed by a vote of at least two-thirds of all the members thereof, by a call of the yeas and nays, shall declare that it is to the interest of said society and the public to enlarge their fair grounds, and shall cause to be made an accurate survey, description and plan of the additional ground necessary to provide for such enlargement; and shall, by resolution passed by a like vote, agree, by deed duly executed by the president of said society, to convey all the real estate vested in said society to the county commissioners for the use and benefit of the county; such resolutions, certified to by the president and secretary of said society, with the description and plat of said enlargement, may be filed with the commissioners of the county.

SEC. 2 That said commissioners, after the filing of said description and plat, are hereby authorized and empowered to proceed to purchase said additional ground, the title of which shall be vested in said commissioners for the use and benefit of the county; and if they and the owner or owners of said land are unable to agree upon its purchase and sale, the commissioners may appropriate the same, and for such purpose shall file said description and plat with the probate judge of the county, and thereupon the same proceedings shall be had which are provided for the appropriation of private property by municipal corporations; after such purchase or appropriation as aforesaid, and before any improvements are made on said ground, said society shall convey, through its president, all of the real estate owned by it to the county commissioners for the use and benefit of said county, and said commissioners may improve the same under the direction of said county agricultural society; provided, that the payment of the indebtedness, cost of additional ground and improvements, shall not exceed, in all, ten thousand dollars.

SEC. 3. The payment of said indebtedness, purchase, and improvements may be made by said county commissioners from any surplus funds in the county treasury at the time said payments are to be made, and if no such available funds are in the county treasury, then said commissioners are hereby authorized

to issue bonds of the county for such amount as will meet the payment aforesaid; and should such bonds be issued by the county commissioners, they are hereby authorized and directed to levy a tax, not exceeding one-fourth of one mill, for two years, to pay said bonds and the interest thereon, which interest shall not exceed six per cent.

SEC. 4. That while the title of the ground so purchased, and the grounds so conveyed by said society, shall be vested in the county commissioners for the use and benefit of said society, the management of said grounds and improvements thereon erected shall be under the control of the board of directors of said society, so long as said county agricultural society is governed by the regulations of the state board of agriculture, or the laws of the state regulating agricultural societies.

Grounds to be under control of directors of society.

SEC. 5. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 31, 1881.

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[Substitute for House Bill No. 170.]

#### AN ACT

To amend sections 994, 995, 997, 1002, and 1012 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 994, 995, 997, 1002, and 1012, of the revised statutes of Ohio be amended so as to read as follows:

Section 994. In each county containing a city of the first grade of the first class, there shall be, in addition to the board of county commissioners, a board of control, to consist of five members, who shall be chosen at the election held in October next after the passage of this act, and shall hold their office from the second Tuesday of November, succeeding as follows: The member who receives the highest number of votes, for five years; the member who receives the next highest number of votes, for four years; the member who receives the next highest number of votes, for three years; the member who receives the next highest number of votes, for two years; the member who receives the next highest number of votes, for one year. In case of a tie vote, the choice of term shall be determined by lot. And each year thereafter one member shall be chosen to hold his office for five years.

Board of control, how elected.

Section 995. The members so chosen shall, on the second Tuesday of November, annually, assemble together and organize the board of control, and such board shall meet thereafter on the second and fourth Tuesday of each month; a majority of the whole number of members shall be necessary to constitute a quorum for

How board organized.

Meetings and regulations.

- Journal, what to contain. the transaction of business, and all their proceedings shall be public; they shall determine the rules of their proceedings, and these shall, as far as possible, be in accordance with parliamentary law; they shall keep a journal of their proceedings, which shall be open at all proper times to the inspection of the public, and may compel the attendance of absent members in such manner as they prescribe; they shall elect from their own body a president, who shall preside at their meetings during the term for which they have been elected, and they may elect a president pro tempore. The members of the board of control shall receive no compensation for their services; they shall elect a clerk, and assistant clerk, if necessary, at such salaries as they deem proper, but not to exceed the sum of eight hundred dollars per year, who shall keep a correct journal of all the proceedings of said board of control, and perform such other duties as are required by the regulations and rules of the board. The clerk in office at the end of the term of service of the board of control, shall continue in office until his successor is appointed.
- Clerk and assistant clerk to be elected. Their duties, etc. Section 997. The oath of office of each member of the board of control shall be taken before a judge of the court of common pleas, and filed in the office of the clerk of said court. In case of death, resignation, or removal from office of a member of said board of control, the fact of such vacancy shall be certified by the president thereof to the court of common pleas, which shall appoint a judicious person and tax-payer to fill such vacancy, and the person so appointed shall hold his office until the next annual election in October.
- Members of board to take oath of office. Section 1002. The board of county commissioners shall provide suitable rooms, in the court house of said county, in which the board of control and the county commissioners shall transact their business, and shall also provide books and stationery for said board of control, and may employ a county engineer, a superintendent, and such watchmen, janitors, and other employes as may be necessary to the care and custody of the court house and jail.
- Vacancy, how filled. Section 1012. The board of county commissioners shall prepare and adopt rules and regulations prescribing the manner in which accounts shall be made out against the county, how and by whom they shall be examined and certified, and how they shall be audited before being allowed and approved by said boards; and said rules and regulations shall also prescribe how monthly pay-rolls shall be made out by each of the county institutions, officers, and departments, and upon what evidence the auditor may draw his warrants for the same, which rules and regulations shall be transmitted to the board of control for amendment, approval, or rejection.
- County commissioners to provide rooms at court house for meetings of board. SEC. 2. That said original sections 994, 995, 997, 1002, and 1012 are hereby repealed.
- County commissioners to prepare rules prescribing how accounts against county shall be made out, how examined and certified, etc. SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 31, 1881.

AN ACT

To provide an additional sum to complete and further improve fair grounds for the use of county agricultural associations.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county of the state containing a city of the first grade of the first class, and having an agricultural society, organized under the laws of the state, the boards of directors of such agricultural society, whenever they deem it necessary to complete and further improve the fair grounds used by such society, shall, at a general meeting of said board, by a vote of at least two-thirds of all the members thereof, upon a call of the yeas and nays, pass a resolution for the purpose of securing the benefit of this act, declaring such necessity; and said board of directors shall then, within thirty days from the passage of said resolution, give notice, in writing, to the county commissioners of the county containing such fair grounds, of the necessity for completing and further improving the fair grounds, under the absolute control of such society, which notice shall contain, or have annexed thereto, a certified copy of said resolution, and shall be signed by the president and the secretary of said board of directors.

How fair grounds in certain county improved.

Notice of such improvement to be given.

SEC. 2. That after the filing of said notice the said county commissioners shall proceed to complete and further improve the fair grounds in use by such society, within a reasonable time, not to exceed four months, in such manner as the board of directors of such society may direct, but the total cost of said improvements, when completed, shall not exceed ten thousand (\$10,000) dollars.

Cost not to exceed ten thousand dollars.

SEC. 3. That the payment for said completion or further improvements shall be made by said county commissioners from any unappropriated funds in the county treasury at the time said payments are to be made, and if no such funds are in the county treasury at such times, then said county commissioners are hereby directed to issue the bonds of said county for such amounts as may be necessary for such improvements, not to exceed the amount provided for in section second of this act. Such bonds to bear interest at five per centum per annum, and to be payable at the office of the county commissioners at such time, not to exceed ten years from the date thereof, as said county commissioners shall determine; and to provide for the payment of the said bonds, the said county commissioners are hereby directed to levy such annual tax on all taxable property of the county as may be necessary therefor. Said levy shall be collected and accounted for as other county taxes are by the proper county officers.

Payment for said improvement to be made by county commissioners from unappropriated funds, or by issue of bonds.

SEC. 4. That where the title to the ground and improvements occupied by agricultural societies in counties having a city of the first grade of the first class are vested in the county commissioners, the control, management, and leasing of such lands and improvements shall be vested absolutely in the board of directors of such

Control of grounds to be vested in board of directors.

Money received from rents to be used for repairs.

agricultural society while the same are being occupied by such society for holding agricultural fairs, and the money realized from rents or leasing of said grounds and buildings shall go into the treasury of said society, to be used as a fund for keeping grounds, fences, and buildings in good repair and such other improvements as may be deemed necessary to be made by the agricultural board.

SEC. 5. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 4, 1881.

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[Senate Bill No. 289.]

#### AN ACT

To authorize certain municipal corporations to construct machine shops, and issue bonds therefor.

[TIFFIN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation, which, by the last federal census had, and those which hereafter on the first day of March, in any year, as ascertained by any federal census, may have a population of five thousand six hundred and forty-eight, is hereby authorized to contract for and construct machine shops and purchase real estate therefor, and for that purpose to issue bonds to the amount of thirty thousand (\$30,000) dollars, in such denominations, and payable at such times, as such council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction of machine shops; but in no case shall such bonds be disposed of at less than par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such municipal corporation in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That such council is hereby authorized to lease said shops, with or without the grounds, upon which the same may be built or to be built, for such terms, conditions, and reservations as may by it be determined by resolution, or such council may sell and convey said shops, with or without the ground upon which

the same are built, or contracted to be built, for such consideration, and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon the passage of a resolution by such council for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such elections shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such municipal corporation. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who, with the president of the council, shall at any regular or special meeting of such council, proceed to canvass such vote; and the clerk of such municipal corporation shall enter the number of votes cast for and against such proposition in each ward and voting precinct, and of the aggregate number of votes for and the number of votes against such proposition in such municipal corporation; and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if such electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election shall have written or printed thereon the words, "Machine shops—Yes;" "Machine shops—No."

SEC. 5. That the resolution of such council herein provided for, shall forthwith be entered by the clerk of such municipal corporation upon the ordinance book of such municipal corporation, and shall take effect upon the passage, without publication, any provision of the law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk, and attested by the seal of such municipal corporation, and the council of such municipal corporation is hereby authorized to levy such tax upon the taxable property of such city each year thereafter as may be necessary to pay the interest upon such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 4, 1881.

[House Bill No. 666.]

AN ACT

To amend section three thousand four hundred and seventy of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand four hundred and seventy of the revised statutes of Ohio, be so amended as to read as follows:

How and  
when tele-  
graph com-  
panies may  
consolidate.

Section 3470. Where two or more telegraph companies, whose several lines are not parallel or in competition with each other, and when so united will form a continuous line for receiving and transmitting dispatches, desire to consolidate into a single corporation, they may do so in the manner, and subject to the rules provided in chapter two for the consolidation of railroad companies.

SEC. 2. Said original section three thousand four hundred and seventy is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 4, 1881.

[House Bill No. 644.]

AN ACT

Reimbursing the sinking fund for moneys temporarily transferred to the general revenue and asylum funds.

WHEREAS, Under the provisions of the several acts of the general assembly, passed April 16, 1867, May 5, 1869, April 27, 1872, and May 5, 1873, respectively, there was temporarily transferred from the sinking fund to the general revenue and asylum funds, the sum of eight hundred and forty-three thousand four hundred and fourteen dollars (\$843,414); and

WHEREAS, The sinking fund has been reimbursed by transfers from the general revenue and asylum funds to the amount of three hundred and ninety-three thousand four hundred and fourteen dollars (\$393,414), leaving a balance still due the sinking fund from said general revenue and asylum funds of four hundred and fifty thousand dollars (\$450,000); and

WHEREAS, By an act of the general assembly, passed March 26, 1879, the asylum fund was merged into the general revenue fund, and all funds belonging to it were transferred to said general revenue fund;

WHEREAS, There will be a surplus in the present fiscal year in the general revenue fund over the demands that will be made upon it; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state and treasurer of state be authorized and required to transfer upon the books of their respective offices,



from the general revenue funds, the sum of two hundred and seventy-two thousand six hundred and forty dollars and thirty cents (\$272,640.30), to reimburse the sinking fund in that amount for money temporarily transferred to it as above stated; and any further amount, not exceeding the amount due the sinking fund from the general revenue fund, that may be in the treasury in excess of what may be necessary to meet the demands of said fund.

SEC. 2. This act shall take effect from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 8, 1881.

[House Bill No. 547.]

AN ACT

Making appropriations for the support of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any moneys raised or accruing in the state treasury for the support of common schools, one million five hundred and seventeen thousand and twenty-six dollars and twenty-five cents (\$1,517,026.25), or as much as may come into the treasury for that purpose, to be distributed and paid in the manner provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 8, 1881.

[House Bill No. 470.]

AN ACT

Supplementary to section four thousand four hundred and three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to section four thousand four hundred and three of the revised statutes, with sectional numbering as herein provided:

Section 4403a. Whoever shall make, issue, or publish, for purpose of sale, barter, or gift, any certificate, diploma, or other writing, or document falsely representing the holder or receiver thereof to be a graduate of any medical school, or college, or of any educational institution of medicine whatsoever, and entitled to the powers, privileges, or degrees thereby pretended to be con-

Penalty prescribed for selling and using fraudulent medical diplomas.

ferred; or whoever shall sell, or otherwise dispose of, or offer to do so, any such diploma, certificate, writing or document containing the false representation aforesaid; or whoever shall use his name, or permit the same to be used, as a subscriber, for any purpose or in any capacity, to such false and fictitious diploma, certificate, writing, or document aforesaid, or whoever shall engage in the practice of medicine and surgery under and by virtue of such fraudulent diploma, certificate, writing, or document aforesaid, upon conviction thereof, shall be subject to the penalty prescribed in section four thousand four hundred and three *b*.

Penalty for issuing such diploma for sale.

Section 4403*b*. Whoever shall make, issue, or publish, or cause to be made, issued, or published, for the purpose of sale, barter, or gift, any diploma, certificate, or writing representing the holder thereof to be a graduate of any medical school, or college, or of any educational institution of medicine whatsoever, unless such holder shall have, in fact, attended a complete course of instruction in such school, college, or institution for medical teaching, which course shall be equal to the average course of instruction in other schools, colleges, or institutions, where the various branches of medicine are taught as a science, in good standing in the state of Ohio, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, nor less than one hundred dollars, or imprisoned in the penitentiary not more than three years, nor less than one year, or both, at the discretion of the court.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 15, 1881.

[House Bill No. 553.]

#### AN ACT

To amend section six thousand eight hundred and thirty-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand eight hundred and thirty-six of the revised statutes of Ohio be amended so as to read as follows:

Entering house, etc., in day time or night season, and attempting to commit felony; how punished.

Section 6836. Whoever maliciously, either in the day time or night season, enters any dwelling house, kitchen, shop, storehouse, malt-house, still-house, mill, office, treasury, bank, railroad car, pottery, water-craft, school-house, church or meeting-house, smoke-house, barn or stable, and attempt to commit a felony, shall be imprisoned in the penitentiary not more than two years nor less than one year.

SEC. 2. Said original section number six thousand eight hundred and thirty-six be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 17, 1881.

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[House Bill No. 389.]

AN ACT

To amend sections twenty-nine hundred and fifty-seven and twenty-nine hundred and fifty-eight of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twenty-nine hundred and fifty-seven and twenty-nine hundred and fifty-eight of the revised statutes of Ohio be amended to read, respectively, as follows:

Section 2957. After the poll-books are signed in the manner hereinafter provided, the ballot-boxes shall be opened and the ballots therein contained shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in his hand, the name or names thereon contained, and then deliver it to the second judge, who shall examine the same and pass it to the third judge, who shall string it on a thread and carefully preserve it; and the same method shall be observed in respect to each of the tickets taken out of the ballot-box, until the number taken out of the ballot-box is equal to the number of names in the poll-books, and any ballots in the box in excess of the number of names in the poll-books, together with the ballots strung as aforesaid, shall be deposited in the box and locked, and the box and contents delivered to the officer authorized to receive and keep the same, and the minority judge of the election shall keep the key or keys, and the box shall remain locked until the expiration of the time within which any legal notice of contest can be given, and if such notice be given, shall remain locked until the trial of such contest, when the same shall be delivered into the custody of the court in which such contest is pending.

Manner of  
counting the  
votes.

Section 2958. The clerks shall enter, in separate columns by tallies, under the names of the persons voted for, as hereinafter provided in the form of poll-books, all the votes so as aforesaid read by the judges.

SEC. 2. Said original sections twenty-nine hundred and fifty-seven and twenty-nine hundred and fifty-eight of the revised statutes of Ohio are hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 17, 1881.

[House Bill No. 380]

## AN ACT

To amend sections 7060 and 7061 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7060 and 7061 of the revised statutes of Ohio be amended to read, respectively, as follows:

Penalty for  
destroying  
ballot-box,  
ballots, or  
poll-books.

Section 7060. Whoever shall, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of election, unlawfully destroy, or attempt to destroy, any ballot-box or poll-book used at any election; or shall, within the same time, unlawfully destroy, falsify, mark, or write on any ballot cast or voted; or shall, within the same time, unlawfully change, alter, erase or tamper with any name contained on any ballot cast or voted, shall be imprisoned in the penitentiary not more than five years nor less than one year.

Penalty for  
fraudulent  
writing on  
poll books or  
tally-sheets.

Section 7061. Whoever shall, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of election, willfully and with fraudulent intent, inscribe, write, or cause to be inscribed or written, in or upon any poll-book, tally-sheet, or list, lawfully made or kept at any election, in or upon any book or paper purporting to be such, or upon any election returns, or upon any book or paper containing the same, the name of any person not entitled to vote at such election, or not voting thereat, or any fictitious name, or, within the same time, shall wrongfully change, alter, erase, or tamper with any name, word, or figure contained in such poll-book, tally-sheet, list, book, or paper; or falsify, mark, or write on such poll-book, tally-sheet, list, book, or paper in any manner whatsoever, such act or acts being done with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year.

SEC. 2. Said original sections 7060 and 7061 of the revised statutes of Ohio are hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

A. HICKENLOOPER,  
*President of the Senate.*

Passed February 17, 1881.

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[Substitute for House Bill No. 276.]

## AN ACT

To amend section two thousand seven hundred and eleven of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two thousand seven hundred and eleven of the revised statutes of Ohio be so amended as to read as follows:

Section 2711. Each city of the first grade of the first class

shall, on demand of the owner and holder of any of its coupon bonds heretofore or hereafter issued, issue in lieu thereof registered bonds of such city, which shall be of the same denomination, bear the same rate of interest, and be payable at the same time, both as to interest and principal, as the coupon bonds for which they are exchanged; such coupon bonds, when so exchanged shall be canceled and destroyed in the manner provided for bonds redeemed; a book shall be kept in each of the offices of the auditor and treasurer of such city, in which shall be entered the date, number, series, denomination, and owner of such registered bonds, and the number and series of the coupon bond for which it was exchanged; the interest and principal of such registered bonds shall, when due, be paid only to the order of the person, corporation, or firm who appears by such books to be the owner thereof; and such registered bonds may be transferred on such books by the owner in person, or by a person authorized so to do by power of attorney, duly executed; and in such case the power of attorney shall be filed and carefully preserved in the office of the treasurer of the city: that the exchange and registering of bonds required by this act shall be transacted by the trustees of the sinking fund of such city at their business office, where a registry shall be kept for that purpose; but no bond so issued in exchange for other bonds shall be of a smaller denomination than one thousand dollars, unless and to the extent that the bonds offered for exchange are themselves of smaller denomination than one thousand dollars, and in no case shall such new bonds, when of denomination smaller than one thousand dollars, be for any other denomination than five hundred dollars. If, in the opinion of said trustees, it shall be expedient for the interests of the city to establish a registry in aid of the general purpose, in one or more other cities, under such regulations as they shall from time to time prescribe, they shall have authority to establish such registry and cause it to be conducted under regulations prescribed by them; but no bond, in lieu of a bond returned for cancellation, shall be issued, either at the office of the trustees of the sinking fund or at any registry established by them, until the same shall have been registered at the registry herein provided for, at the office of the trustees of the sinking fund of the city issuing the same. Should the trustees of the sinking fund of such city determine it to be expedient, for the safe and convenient transaction of the duties of their trust, to obtain registered bonds, in lieu of the bonds of the city for which they act belonging to the sinking fund, they may have such registered bonds for the sinking fund issued in sums corresponding with the aggregate amount of the bonds exchanged, which bear the same rate of interest and are payable, both as to principal and interest, at the same time as the bonds exchanged. The bonds and coupons so exchanged for registered bonds, and all other bonds and coupons issued by such city, as to which both the bonds and coupons belonging to it have been fully paid, shall be canceled and destroyed by the trustees of the sinking fund, in the presence of not less than three of their number, who shall at the time sign a certificate containing a descrip-

Exchange of  
coupon for  
registered  
bonds.

tion of the bonds and coupons so canceled and destroyed, of the fact and method of destroying the same, the place and time thereof, and that they were respectively witnesses of the transactions, stating who, if any others, were present; and such certificate shall be preserved in such manner as said trustees shall provide in connection with their other proceedings.

SEC. 2. Said original section two thousand seven hundred and eleven of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 17, 1881.

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[House Bill No. 86.]

AN ACT

To amend section two thousand seven hundred and thirty-three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand seven hundred and thirty-three of the revised statutes be amended so as to read as follows:

Lands held by religious society, etc., under lease of more than ~~fourteen~~ years subject to taxation.

Section 2733. All lands held under lease for any term exceeding fourteen years, and not subject to re-valuation, belonging to the state or any municipal corporation, or to any religious, scientific or benevolent society, or institution, whether incorporated or unincorporated, or to trustees for free education only, and school and ministerial lands, shall be considered for all purposes of taxation as the property of the person or persons holding the same, and shall be assessed in their name.

SEC. 2. Said original section number two thousand seven hundred and thirty-three is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 17, 1881.

[Substitute for House Bill No. 171.]

## AN ACT

To amend section three thousand seven hundred and sixty-three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand seven hundred and sixty-three be so amended as to read as follows:

Section 3763. All superintendents of city hospitals, directors or superintendents of city and county infirmaries, directors or superintendents of work-houses, directors or superintendents of asylums for the insane, or other charitable institutions founded and supported in whole or in part at public expense, the directors or the warden of the penitentiary, township trustees, sheriffs, or coroners, in possession of bodies not claimed or identified, or which must be buried at the expense of the county or township, shall, before or after burial by such said superintendent, director, or other officer, on the written application of the professor of anatomy in any college which, by its charter, is empowered to teach anatomy, the president of any county medical society, deliver to such said professor or president, for the purpose of medical or surgical study or dissection, the body of any person who has died in either of said institutions from any disease, not infectious, if such body has not been requested for interment by any person at his own expense; if the body of any deceased person so delivered, be subsequently claimed, in writing, by any relative or other person for private interment, at his own expense, it shall be given up to such claimant; after such bodies shall have been subjected to such medical or surgical examination or dissection, the remains thereof shall be interred in some suitable place at the expense of the party or parties in whose keeping said corpse has been placed. In all cases it shall be the duty of the officer having such body under his control to notify, or cause to be notified in writing, the relatives or friends of such deceased person; and any superintendent, coroner, or infirmary director, sheriff, or township trustee, failing or refusing to deliver such bodies when applied for, as herein provided, or who shall charge, receive, or accept money or other valuable consideration for the same, shall be fined in any sum not exceeding one hundred dollars, and not less than twenty-five dollars, or be imprisoned in the county jail not exceeding six months; provided, however, that in no case shall the body of any such deceased person be delivered until twenty-four hours after death. The bodies of strangers or travelers who die in any of the institutions herein named shall not be delivered for the purpose of dissection, except said stranger or traveler belong to that class commonly known as tramps; and all bodies delivered as herein provided shall be used for medical, surgical, and anatomical study, only, and within this state; and the possession of the body of any deceased person, for the above purpose, and not authorized by this section, and the detention of the body of any deceased person, claimed by relatives or friends for inter-

Under what restrictions medical colleges and teachers may receive bodies for dissection.

Penalty for having unauthorized body in possession.

ment at their expense, shall also be unlawful, and the person so detaining said body unlawfully shall be fined in any sum not exceeding one hundred dollars, nor less than twenty-five dollars, or be imprisoned in the county jail not exceeding six months.

SEC. 2. Said original section three thousand seven hundred and sixty-three is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 19, 1881.

[Senate Substitute for House Bill No. 202.]

#### AN ACT

To provide for refunding the state debt of Ohio.

Commissioners of sinking fund authorized to issue bonds to refund certain amount of state debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sinking fund commissioners of the State of Ohio are hereby authorized and directed to issue bonds of the state of Ohio, in an amount not to exceed that portion of the state debt which becomes payable on the thirtieth (30th) day of June, eighteen hundred and eighty-one, the payment of which shall not have been otherwise provided for. The bonds shall be in coupon or registered form, in denominations of one hundred dollars, or some multiple thereof, bearing interest at a rate not exceeding four per cent. per annum, payable on the first day of January and July of each year, and they shall be redeemable at the pleasure of the state of Ohio, on the first day of July of each year, as follows:

When bonds to be redeemable.

In eighteen hundred and eighty-two, three hundred thousand dollars.

In eighteen hundred and eighty-three, three hundred and twenty-five thousand dollars.

In eighteen hundred and eighty-four and eighteen hundred and eighty-five, each, three hundred and fifty thousand dollars.

In eighteen hundred and eighty-six, three hundred and seventy-five thousand dollars.

In eighteen hundred and eighty-seven, five hundred thousand dollars.

And in eighteen hundred and eighty-eight, the balance of said debt.

When principal and interest of said bonds to be paid.

The principal and interest of said bonds shall be payable at the treasury of the state of Ohio, or, if deemed advisable by the said commissioners, the whole or any portion thereof may be made payable at the agency of the state in the city of New York.

SEC. 2. That the sinking fund commissioners are hereby authorized to sell and dispose of any of the bonds authorized by



this act, at not less than their par value, and the commissioners shall apply the proceeds thereof to the redemption of the outstanding certificates of indebtedness of the State, due June 30, 1881, at or after maturity, and the bonds or the proceeds hereby authorized, shall be used for no other purpose whatsoever; and the sum of three thousand dollars is hereby appropriated out of the sinking fund to pay the expense of preparing, issuing, advertising, and disposing of the same.

Bonds to be sold at not less than par.

Appropriation.

SEC. 3. That in addition to the provisions of section two hundred and forty one of the revised statutes, the said bonds shall be offered for sale at the office of the commissioners of the sinking fund at Columbus; and the said commissioners shall advertise for bids or proposals for the taking thereof, in the cities of Cincinnati, Cleveland, Columbus, and New York, in like manner and for the like period of time, as provided for in said section two hundred and forty one.

Commissioners of sinking fund to advertise for bids.

SEC. 4. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 19, 1881.

[ House Bill No. 556 ]

#### AN ACT

To amend section three thousand four hundred and eighty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section thirty-four hundred and eighty-one (3481) of the revised statutes of Ohio be amended so as to read as follows:

Section 3481. Every company entitled by the laws of this state to charge tolls may receive from persons traveling on or using its roads the following tolls, and no more, for every ten miles travel on such road, and in the same proportion for any less distance, to wit: For every four-wheeled carriage or other vehicle, drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; for every sled or sleigh drawn by one horse or [other] animal, five cents, and for each additional animal, five cents; for every horse or mule, and rider five cents; for every horse, mule, or ass, six months old or upward, three cents; for every head of neat cattle, six months old or upward, one cent; for every head of sheep or hogs, one half cent; for every stage-coach or omnibus, drawn by two horses or other animals, thirty cents, and for each additional animal, ten cents; and for every two-wheeled carriage, drawn by one horse or other animal, ten cents, and for each additional animal, five cents; but on all turnpike roads constructed of and kept in repair with two-thirds broken limestone, the companies operating the same may charge and

Rates of toll on turnpikes prescribed.

receive for each ten miles travel on such road, and in the same proportion for any less distance, to wit: For every four-wheeled carriage or other vehicle, drawn by one horse or other animal, twenty cents, and for each additional animal, ten cents; for every sled or sleigh drawn by one horse or other animal, ten cents, and for each additional animal, five cents; for every horse or mule, and rider, ten cents; for every horse, mule, or ass, six months old or upward, five cents; for every head of neat cattle, six months old or upward, one and a half cents; for every head of hogs, three-fourths of a cent; for every head of sheep, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, forty cents, and for each additional animal, ten cents; and for every two-wheeled carriage, drawn by one horse, fifteen cents; but persons going to and from their regular place of worship on the Sabbath, or to and from funerals, militia musters, or elections, jurymen going to and returning from their attendance at court, and the troops and armies of the United States and of this state, may pass on any such roads free of toll; [and] a company incorporated for the purpose of constructing a turnpike or plank-road from a mine or quarry to a railroad, canal, slack-water navigation, other navigable water, macadamized road, or place within or upon the borders of this state, may, when such road is completed, charge and collect such amount of toll for teams hauling the products of such mines or quarries on its road as its directors may determine, not exceeding four cents per mile for two-horse teams, and an increase of two cents per mile for each additional horse; but such rates shall not be charged for teams hauling the products of such mines or quarries for more than eight miles, nor shall other travelers on such roads be charged more than the ordinary rate of toll per mile, as allowed by section thirty-four hundred and eighty-one. [72 v. 85, § 1.]

Provided, that for any vehicle traveling over a plank-road having a load exceeding two tons net weight, toll shall be paid, in addition to the rates prescribed in this section, not to exceed two cents per net ton per mile for such excess, at the discretion of the board of directors.

SEC. 2. That said original section three thousand four hundred and eighty-one be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

[House Bill No. 566.]

## AN ACT

For the better improvement of the public highways in counties having a population, in 1870, of forty thousand six hundred and nine.

[WASHINGTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of each township of any county having, at the taking of the federal census in 1870, or which, at the taking of any preceeding federal census, may have a population of 40,609, on the first Monday in March in the year eighteen hundred and eighty-one, and annually thereafter, shall divide their respective townships into two road districts, and two only, containing, as near as may be, an equal number of miles of road; and said trustees shall number said road districts one and two, respectively, and shall furnish each road supervisor with a plat of the territory embraced in his road district, as nearly accurate as practicable.

SEC. 2. The trustees of each township in said counties shall, on the first Monday [of March], in the year eighteen hundred and eighty-one, and annually thereafter, in addition to all other taxes allowed by law, levy on the taxable property of their respective townships, for the purpose of improving, repairing, and keeping in repair the public roads of such township, not less than three-fourths of one mill, and not exceeding one mill and three-fourths of one in mill, each year; and said trustees shall certify the same to the county auditor, who shall place the same on the duplicate, and the same shall be collected in the December installment of each year. All road taxes so levied by said trustees and collected by the county treasurer, shall be paid over to the treasurer of the township from which they were collected. The money arising from such road tax shall be paid out by the township treasurer only upon the order of said trustees. All of the money so raised annually in each township shall be expended as near equally as can be by the trustees in the two road districts of their respective townships.

SEC. 3. The township trustees of each township in said counties are hereby required to meet on the first Monday of June, in the year eighteen hundred and eighty-one, and annually thereafter, and issue the bonds of their respective townships, not to exceed the amount of tax levied for road purposes therein each year, payable in six months from the date thereof, and to bear a rate of interest not to exceed six per cent., in denominations of not less than twenty-five dollars, nor more than one hundred dollars. Said bonds are to be issued for the purpose of raising money to be expended in improving the roads in said township, and are to be paid off each year with the money arising from the road tax levy collected in the December installment. If any of said bonds are not presented for payment within sixty days after the same become due and payable, the same shall cease to draw interest thereafter.

SEC. 4. The qualified electors of each township in said coun-

ties, shall, on the first Monday of April, in the year eighteen hundred and eighty-one, and annually thereafter, elect two road supervisors, and two only, in accordance with law. Each road supervisor so elected shall give bond in the sum of one thousand dollars, payable to said township trustees, to be approved by them and conditioned according to law, which bonds shall be deposited with the township clerk. Said supervisors shall receive as compensation for their services the sum of one dollar and fifty cents per day for time actually spent in supervising and working the roads in their respective districts, which shall be paid by the trustees, from time to time, as said trustees shall direct. Said supervisors shall be liable to the same penalties for the non-performance of their duties as are already prescribed by law. Said supervisors shall be governed by the same provisions of law as heretofore and now in force in the State of Ohio, except as hereinafter provided.

SEC. 5. The commissioners of said counties at their March session, in the year eighteen hundred and eighty-one, and annually thereafter, shall levy on the taxable property of their respective counties, for the purpose of this act, not less than three-fourths of one mill, and not to exceed one and one half mills in any one year; and said levy shall be in lieu of all other taxes authorized by law to be levied by the county commissioners for the purpose of improving, repairing, and keeping in repair the public roads of said counties; the funds arising from such levies shall be expended in improving, repairing, and keeping in repair the public roads of said counties, in such manner and under such restrictions as the said county commissioners shall provide; and such funds shall be paid out on the order of said county commissioners, after they shall be satisfied that the improvements made, or repairs effected, were done in a good and efficient manner.

SEC. 6. That the provisions of this act shall be in lieu of sections 4737, 4738, 4739, 2830, as amended April 12, 1880 (Ohio Laws vol. 77, page 184), 4755, 4756, and 4757 of the revised statutes of the State of Ohio, and the same are hereby declared inoperative in said counties; and all other acts or parts of acts which are inconsistent with, or in conflict with this act, are hereby superseded in said counties; and all other acts, laws, or statutes, or parts thereof, not excepted herein, are in as full force in said counties, as though this act had not been passed.

SEC. 7. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

[House Bill No. 89.]

## AN ACT

To amend section four thousand and sixty-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number four thousand and sixty-six of the revised statutes of Ohio be amended to read as follows:

Section 4066. The board thus constituted may issue two grades of certificates to such as are found to possess the requisite scholarship, and who exhibit satisfactory evidence of good moral character and of professional experience and ability, as follows: First-class, life certificates; second-class, for ten years; the latter to be issued to applicants of satisfactory attainments in the branches required for county certificates, and to be valid in any school where such branches, only, are taught. The clerk of the board shall keep a record of the proceedings, showing the number, date, and duration of each certificate, to whom granted, and for what branches of study, and shall report such statistics to the commissioner, annually, on or before the first day of October.

Teachers' certificates issued by state board of examiners.

SEC. 2. Said original section four thousand and sixty-six be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

[Senate Bill No. 298.]

## AN ACT

To authorize certain incorporated villages to construct machine shops, and to issue bonds therefor.

[DELPHOS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village, which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of three thousand eight hundred and twenty-one, is hereby authorized to contract for and construct machine shops and purchase real estate therefor, and for that purpose to issue bonds to an amount not exceeding thirty-two thousand dollars, in such denominations and payable at such times as the village council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such village, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, from the date thereof.

SEC. 2. That any such village may negotiate such bonds for

cash, or it may deliver the same in payment of such real estate, or for the construction of machine shops, but in no case shall such bonds be disposed of for less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such village in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That said village council is hereby authorized to lease said shops, with or without the grounds upon which the same may be built, for such terms and on such conditions and reservations as may by it be determined by resolution; or such village council may sell and convey said shops, with or without the grounds upon which the same are built, or contracted to be built, for such considerations and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by any such village council until thereto authorized by a vote of the qualified electors of such village, taken at a general election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such village, upon the passage of a resolution by such village council for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such village, at least twenty days prior to the day of holding such election. Such election shall be held at the usual place or places of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets of such elections shall be forthwith returned to the clerk of such village, who, with the mayor of such village, shall, at any regular or special meeting of the village council, and in the presence of a quorum of such council, proceed to canvass such vote, and the village clerk shall enter the number of votes cast for such proposition and the number of votes cast against such proposition in such village, and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such village council shall not exercise the powers conferred by this act. That ballots voted at such election shall have written or printed thereon the words, "Machine shops—Yes," "Machine shops—No."

SEC. 5. That the resolution of such village council herein provided for, shall forthwith be entered by the village clerk upon the ordinance book of such village, and shall take effect upon the passage thereof without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts or conveyances authorized by this act shall, upon the part of such village, be signed by the mayor, countersigned by the clerk, and attested by the seal of such village; and the village council is hereby authorized to levy such tax upon the taxable property of such village each year thereafter, as may

be necessary to pay such bonds as they become due, together with the interest thereon.

Sec. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

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[Senate Bill No. 209.]

AN ACT

To amend section one hundred and eight (108) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and eight (108) of the revised statutes of Ohio be amended so as to read as follows:

Section 108. There shall be made and kept up an alphabetical index to each of said records; all official papers shall be filed in boxes properly labeled and dated, and a transcript or an abstract of any entry in any record kept as aforesaid, certified as correct by the private secretary or executive clerk of the governor, under the great seal of the state, shall be received as prima facie evidence of the facts therein stated in any court, or before any officer of this state. [73 v. 201, § 2.]

SEC. 2. That original section one hundred and eight (108) is hereby repealed. This act shall take effect upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

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[Senate Bill No. 314.]

AN ACT

To amend section one of an act entitled "an act to regulate the construction, enlargement, changes in and conduct and management of water-works in certain cities, and to authorize the issue of bonds in connection therewith," passed January 18, 1881.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Section 1. That the council of any city of the third grade, of the second class, having a population exceeding seventeen thousand, in which water-works have not been constructed, having ordered the construction of water-works, and a board of trustees

Records in  
office of exec-  
utive depart-  
ment to be  
indexed.

having been elected therefor, are hereby authorized, for the purpose of providing the means to pay the costs and expenses of constructing the water-works, and of making enlargements and extensions thereof, and changes therein, to issue the bonds of the city for any amount not exceeding in the aggregate for all of said purposes, four hundred thousand dollars, which bonds may be made to run for any length of time, not exceeding thirty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, to be negotiated in the manner now provided by section two thousand seven hundred and nine of the revised statutes of Ohio, the proceeds thereof to be applied exclusively to the payment of said costs and expenses.

SEC. 2. Original section one of said act above recited, passed January 18, 1881, is hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 1, 1881.

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[House Bill No. 692.]

#### AN ACT

To amend section two thousand four hundred and thirty-four (2434) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two thousand four hundred and thirty-four (2434) of the revised statutes of Ohio be amended to read as follows:

Contracts for  
supplying mu-  
nicipal cor-  
poration with  
water.

Section 2434. A municipal corporation in which any incorporated water company is properly organized under the laws of the state, shall have power to contract with such company for supplying water for fire purposes, streets, squares, and other public places in the corporate limits: provided, however, that no municipal corporation shall make a contract to exceed the term of eight years; and such municipal corporation shall have the same power to protect the works of said water company from injury, and prevent a pollution of the water thereof, as though said water-works were owned by said municipal corporation.

SEC. 2. That said original section two thousand four hundred and thirty-four (2434) is hereby repealed, and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed March 9, 1881.



[House Bill No. 784.]

## AN ACT

To amend section sixty-seven hundred and sixty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-seven hundred and sixty-one of the revised statutes be and the same is hereby amended so as to read as follows :

Section 6761. A like action may be brought against a corporation.

Where action of quo warranto may be brought against a corporation.

1. When it has offended against a provision of an act for its creation or renewal, or any act altering or amending such acts.

2. When it has forfeited its privileges and franchises by non-uses.

3. When it has committed or omitted an act which amounts to a surrender of its corporate rights, privileges, and franchises.

4. When it has misused a franchise, privilege, or right conferred upon it by law, or when it claims or holds by contract or otherwise, or has exercised a franchise, privilege, or right in contravention of law.

SEC. 2. Said original section six thousand seven hundred and sixty-one be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed March 9, 1881.

[House Bill No. 507.]

## AN ACT

To amend section six thousand eight hundred and nineteen of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand eight hundred and nineteen of the revised statutes be amended to read as follows :

Section 6819. Whoever with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, or whoever with like intent, throws or pours upon, or throws at another person any scalding hot water, vitriol, or other corrosive acid, or caustic substance, or whoever with like intent assaults another person with any dangerous instrument whatever, shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

Maiming or disfiguring another.

SEC. 2. Said original section six thousand eight hundred and nineteen be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed March 9, 1881.

[House Bill No. 508.]

AN ACT

To amend section six thousand three hundred and thirty-four of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand three hundred and thirty-four of the revised statutes be amended so as to read as follows:

Where probate court may accept resignation of trustee or remove him.

Section 6334. The probate court may accept the resignation of any trustee accounting therein, or who has been appointed thereby, or may remove any such trustee for any cause for which the guardian of a minor may be removed; or for the reason that the minor for whom the trustee was appointed has, since the appointment, become a resident of this state, and for whom a resident guardian has been appointed, or because the interest of the trust requires such removal.

SEC. 2. Said original section six thousand three hundred and thirty-four of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Passed March 9, 1881.

[House Bill No. 678.]

AN ACT

To amend section two thousand five hundred and eighty of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand five hundred and eighty of the revised statutes of Ohio be amended to read as follows:

Superintendents of markets, how appointed or elected.

Section 2580. In cities of the first-class, except the first and second grades, the superintendent of markets shall be appointed by the mayor, with the assent of the council, which shall prescribe the duties and fix the compensation of such officer; and in cities of the first-class, second grade, the term of office of such superin-

enednt shall be four years, and the council shall provide by ordinance for his election, prescribe his duties, and fix his compensation; and in cities of the second class the council shall have power to create by ordinance, whenever deemed expedient, the office of superintendent of markets, provide for his election or appointment, prescribe his duties, and fix his compensation.

SEC. 2. That said original section two thousand five hundred and eighty be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 10, 1881.

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[House Bill No. 646.]

#### AN ACT

Supplementary to the act relating to incorporated villages which, by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand and eighty-seven, as amended April 16, A.D. 1879 (revised statutes of Ohio, sections 8356 and 8367), and an act supplementary thereto, passed March 30, A.D. 1880, (volume 77, page 91, Ohio laws.)

[MT. GILEAD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the board of trustees appointed under the said amended act to which this is supplementary, and they are hereby authorized to borrow as a fund for the completion of the line of railway and telegraph, for which they are trustees, in addition to the amounts authorized by said amended act, and act supplementary thereto, a sum of money not to exceed three thousand dollars, and to issue bonds therefor in the name and under the corporate seal of the village owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized under the said amended act to which this is supplementary, and shall bear a rate of interest not to exceed six per centum per annum, payable semi-annually; said bonds shall not be sold for less than their par value, and may be in such denomination, and payable at such times and places as shall be deemed best by said board, and shall be secured by the pledge of the faith of the village, and a tax, which shall be annually levied by the council of said village, on the real and personal property therein returned on the grand levy sufficient to pay the interest thereon, and provide a sinking fund for their final redemption.

SEC. 2. Said trustees shall, in addition to the powers granted in the said amended act, and act supplementary thereto, have power to purchase lands on the line of said railroad, at the junction of an intersecting railroad, out of the funds arising from the

sale of said bonds, at a cost not to exceed one thousand dollars, for depot and railroad facilities, and shall have authority to lease or sell and convey the same for said purposes on such terms and conditions as the village council by resolution shall prescribe.

SEC. 3. That any lease or conveyance authorized by this act shall be signed and attested in the same manner as the bonds authorized by said amended act to which this is supplementary.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

[House Bill No. 697.]

#### AN ACT

To amend section one thousand seven hundred and six of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one thousand seven hundred and six of the revised statutes be so amended as to read as follows:

Solicitor and  
street commis-  
sioner, how  
elected or  
appointed.

Section 1706. The officers of a village shall consist of a mayor, clerk, sealer of weights and measures, treasurer, and marshal; and the council may, when in its opinion expedient, create by ordinance, the offices of solicitor and street commissioner; and all officers shall be elected by the electors of the village, except where territory is attached for road purposes, the street commissioner, who shall be elected by the electors of said village and the territory thereunto attached for road purposes; and for said election of street commissioner, the council shall provide a separate ballot-box and poll-books, and the judges of said municipal election shall act as judges, and the clerks of said municipal election shall act as clerks of the election of street commissioner; provided, that in villages divided into wards or election precincts, the council shall apportion the territory so attached to the several wards or election precincts.

SEC. 2. That section one thousand seven hundred and six be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

[House Bill No. 530.]

## AN ACT

To amend section two thousand eight hundred and three (2803) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two thousand eight hundred and three (2803) of an act entitled "an act to revise and consolidate the general statutes of the state of Ohio," be so amended as to read as follows, to wit:

Section 2803. In all cases where any county auditor shall discover, or have his attention called to the fact, that any assessor in any previous year shall have omitted to return, or shall in any future year omit to return any lands, town lots, or any improvements, structures, or fixtures thereon subject to taxation, situated within his county, or if any such property has escaped taxation by reason of any error of said auditor, it shall be the duty of said auditor to ascertain the value thereof for taxation, as near as may be, and to enter said lands, town lots, or improvements upon the duplicate of the county, then in the hands of the county treasurer of such county, and to add to the taxes of the current year the simple taxes of each and every preceding year in which such property shall have escaped taxation, as far back as the next preceding decennial appraisalment and equalization of real estate in his county, unless in the meantime such property shall have changed ownership, in which case only the taxes chargeable since the last change of ownership shall be added, or the owner of such property may, if he desires, pay the amount of such taxes into the county treasury, on the order of said auditor.

When lands omitted from duplicate auditor to restore same and assess the taxes thereon.

SEC. 2. Said original section two thousand eight hundred and three is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

[House Bill No. 522.]

## AN ACT

Authorizing cities of the second class, with a certain population, to build and dispose of railroad shops by issuing of bonds as provided.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation which, by the last federal census of 1870, had a population of eleven thousand and eighty-one, is hereby authorized to contract for, and

construct machine shops and purchase real estate therefor, and for that purpose to issue bonds to the amount of not more than seventy-five thousand dollars, in such denominations and payable at such times as such council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of five per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction of machine shops; but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such municipal corporation in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That such council is hereby authorized to lease said shops, with or without the grounds upon which the same may be built or to be built, for such terms, conditions, and reservations as may by it be determined by resolution, or such council may sell and convey said shops, with or without the ground upon which the same are built or contracted to be built, for such consideration, and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon the passage of a resolution by such council for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such municipal corporation. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who, with the president of the council, shall, at any regular or special meeting of such council, proceed to canvass such vote; and the clerk of such municipal corporation shall enter the number of votes cast for and against such proposition in each ward and voting precinct, and of the aggregate number of votes for and the number of votes against such proposition in such municipal corporation; and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election upon such proposition shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election shall

have written or printed thereon the words, "Machine shops—Yes," "Machine shops—No."

SEC. 5. That the resolution of such council, herein provided for, shall forthwith be entered by the clerk of such municipal corporation upon the ordinance book of such municipal corporation, and shall take effect upon the passage, without publication, any provision of the law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk, and attested by the seal of such municipal corporation, and the council of such municipal corporation is hereby authorized to levy such tax upon the taxable property of such city each year thereafter as may be necessary to pay the interest upon such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity, but such levy shall not make the aggregate levy any greater than is authorized by law; and all moneys accruing to said sinking fund shall be invested in such good securities as said council may direct until such time as said bonds may mature.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[Senate Bill No. 268.]

#### AN ACT

To amend section ninety-five (95) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section ninety-five (95) of the revised statutes of Ohio be amended so as to read as follows:

Section 95. The governor, in any case authorized by the constitution of the United States, may, on demand, deliver over to the executive authority of any other state or territory any person charged therein with treason, felony, or other crime committed therein; and he may, on application, appoint an agent to demand of the executive authority of any other state or territory any person charged with felony who has fled from the justice of this state; but such demand or application must be accompanied by sworn evidence that the party charged is a fugitive from justice, and that the demand or application is made in good faith, for the punishment of crime, and not for the purpose of collecting a debt or pecuniary mulct, or of removing the alleged fugitive to a foreign jurisdiction with a view there to serve him with civil process; and also by a duly attested copy of an indictment or an information,

When governor may surrender fugitive on demand of another state, or make requisition on other state or territory.

or a duly attested copy of a complaint made before a court or magistrate authorized to take the same, such complaint to be accompanied by an affidavit or affidavits to the facts constituting the offense charged, by persons having actual knowledge thereof, and such further evidence in support thereof as the governor may require. Fugitive convicts, shall also be so surrendered and demanded, upon sworn evidence, duly authenticated, satisfactory to the governor.

SEC. 2. That original section ninety-five (95) is hereby repealed, and this act shall take effect upon its passage..

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[Senate Bill No. 189.]

AN ACT

Supplementary to section one thousand eight hundred and seventeen of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section one thousand eight hundred and seventeen of the revised statutes of Ohio, with sectional number as herein provided.

Clerk of  
mayor's court  
not to be con-  
cerned in  
prosecution or  
defense.

Section 1817.*a* Neither the clerk of the mayor's court, nor his deputy, shall be concerned as council or agent in the prosecution or defense of any case that is or has been before the court of which such person is clerk or deputy.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[Senate Bill No. 271.]

AN ACT

To amend section one of an act to provide compensation for members of county, city, and state boards of equalization for the equalization of appraisement of real estate appraised in 1880; passed April 15, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each member of any decennial county or city board of equalization, for the equalization of real property as appraised by the district assessors in the year 1880, including the county



auditor, shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of three dollars, to be paid out of the county treasury after the same has been allowed by the board of county commissioners: provided, that in any county containing a city of the first grade of the first class, each of said members shall receive such further compensation as the commissioners of such county may deem reasonable and just.

Compensation  
of boards of  
equalization.

SEC. 2. That section one of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 11, 1881.

[House Bill No. 749.]

#### AN ACT

To authorize certain incorporated villages to construct machine shops, and to issue bonds therefor.

[LEBANON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the council of any incorporated village, which by the federal census of 1870 had, and those which hereafter, as ascertained by any federal census, may have a population of two thousand seven hundred and forty-nine, is hereby authorized to contract for and construct machine shops and purchase real estate therefor; and for that purpose to issue bonds in whatever sum may be necessary, not exceeding fifty thousand dollars, in such denominations and payable at such times as such council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such village, and shall bear interest, not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. Such village may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction of said shops; but in no case shall such bonds be disposed of at less than the par value thereof. And no contract shall be awarded until the contractor shall have entered into bonds to such village in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That such council is hereby authorized to lease the same for such terms and on such conditions and reservations as may by it be determined by resolution.

SEC. 4. The powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the

Amended from  
to added to  
and added to

qualified electors of such village, taken at a general or special election held therein. Before submitting such a proposition to a vote of such electors, the council shall make an estimate of the probable cost and expense of the purchase of said grounds and the construction of said shops, and shall, at either a regular or special meeting, pass a resolution to purchase such grounds and contract for the construction of such shops, and providing for the issuing of the bonds in payment therefor; also, a resolution submitting the same to a vote of said electors and fixing the time of said election. That, thereupon, the clerk of said village shall give notice of said resolution; also of the time of holding said election, and the estimated probable cost and expense of said improvement, by publication, in all of the newspapers published in said village, at least ten days prior to the day of holding said election.

SEC. 5. The ballots to be voted at such election shall have written or printed thereon the words, "Machine shops—Yes;" "Machine shops—No." And such election shall be held at the usual place or places of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets shall forthwith be returned to the clerk of said village, who, with the mayor, shall, at a regular or special meeting of council, proceed to canvass such vote, and the clerk shall enter the number of votes cast for and against said proposition in said village. And if it shall appear by the returns of such election that two-thirds of all the electors voting on said proposition have not voted in favor of such proposition, such council shall not exercise the powers conferred by this act. And if two-thirds of such electors have voted in favor of such proposition, then said resolution to purchase such lands and contract for the construction of such shops and providing for the issuing of said bonds, shall be entered by the clerk upon the ordinance book of said village, and shall take effect as of the date of its passage, without any further publication thereof; any provisions of the law to the contrary notwithstanding.

SEC. 6. All contracts authorized by this act shall, upon the part of such village, be signed by the mayor, countersigned by the clerk, and attested by the seal of such village; and the village council is hereby authorized to levy such tax upon the taxable property of such village, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 17, 1881.

[House Bill No. 786.]

## AN ACT

Appropriating money for the support of Longview asylum, and the payment of salaries of officers therein.

WHEREAS, In the item of appropriation for Longview asylum in the appropriation bill passed April 15, 1880, an error occurred in fixing the rule by which the auditor of state was authorized to draw his warrant in favor of said asylum for five thousand seven hundred and eighty-two dollars and forty-four cents (\$5,782.44) less than section seven hundred and fifty of the revised statutes provides for; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated to Longview asylum for its support and the payment of the salaries of its officers, out of any money in the state treasury to the credit of the general revenue fund, five thousand seven hundred and eighty-two dollars and forty-four cents (\$5,782.44), and the auditor of state is directed to give his warrant therefor.

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 16, 1881.

[House Bill No. 442.]

## AN ACT

To amend section seven thousand four hundred and twenty-one of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven thousand four hundred and twenty-one of the revised statutes of Ohio be amended to read as follows:

Section 7421. On or before the fifth week day of each month the clerk shall make, and the warden certify and deliver to the auditor of state, a statement of the amount due from each contractor for the preceding calendar month, and deliver to each contractor a certified copy of so much thereof as relates to said contractor; and, within five days thereafter, each contractor shall, in the ordinary mode prescribed by law, pay the amount due into the state treasury, and obtain triplicate receipts therefor, one of which shall be delivered to the auditor of state, and one to the warden; and when any contractor fails to pay said amount within ten days from the date of rendering the statement as aforesaid, it shall be the duty of the auditor of state to give said statement to the attorney-general for collection; and, when collected by him, he shall take triplicate receipts therefor of the state treasurer, and deliver one to the auditor and one to the warden.

Clerk of the  
penitentiary  
to render  
monthly  
statement to  
auditor of  
state.

SEC. 2. That section seven thousand four hundred and twenty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

[House Bill No. 234.]

#### AN ACT

To amend section two thousand three hundred and three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand three hundred and three of chapter four, division seven, title twelve, part first, of the above recited act be so amended as to read as follows:

Proceedings  
of municipal  
corporation in  
making im-  
provements or  
repairs.

Section 2363. When the corporation makes an improvement or repair provided for in this chapter, the cost of which will exceed five hundred dollars, it shall proceed as follows:

First—It shall advertise for bids for the period of two weeks, or if the estimated cost exceed five thousand dollars, four weeks in two newspapers published in the corporation, or one newspaper if only one is published therein; or by posting advertisements in three public places in the corporation, if no newspaper is published therein.

Second—The bids shall be filed with the clerk of the board of improvements or board of public works (city commissioners), as the case may be, sealed up, by twelve o'clock at noon on the last day, as stated in the advertisement.

Third—The bids shall be opened at twelve o'clock at noon on the last day for filing the same, by the clerk, the mayor, the civil engineer, and the assistant civil engineer, or any two of them, and publicly read by the officer opening the same, and filed in the office of the clerk; and shall be reported by the clerk of the council, board of improvements, or board of public works (city commissioners), as the case may be, at the next regular meeting thereafter.

Fourth—Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person, that if the bid is accepted a contract will be entered into and the performance of it properly secured.

Fifth—If the work bid for embraces both labor and material, they shall be separately stated, with the price thereof.

Sixth—None but the lowest responsible bid shall be accepted, when such bids are for the labor or material separately; but the council may, in its discretion, reject all the bids, or it may, at its

discretion, accept any bid for both labor and material which may be the lowest aggregate cost of such improvement or repairs.

Seventh—The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash: provided, however, that the contract price may be paid in assessments, as the council, in its discretion, may have previously determined; and suits to recover or enforce such assessment may be brought in the name of the corporation.

Eighth—If two or more bids are equal in the whole or any part thereof, and are lower than any others, either may be accepted; but in no case shall the work be divided between them.

Ninth—When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

SEC. 2. That said section two thousand three hundred and three of the act to which this is an amendment, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

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House Bill No. 669.

#### AN ACT

To prevent fraud in the manufacture and sale of commercial fertilizers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be and the same is hereby enacted as chapter 21, title 5, part 2 of the revised statutes, with sectional numbering as follows, to wit:

#### CHAPTER 21—FERTILIZERS.

Section 4446a. Any person or company who shall offer, sell, or expose for sale, in this state, any commercial fertilizer, the price of which exceeds ten dollars a ton, shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate, stating the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer, and the place of manufacture, and a chemical analysis, stating the percentage of nitrogen, or its equivalent in ammonia, in an available form, of potash, soluble in water, and of phosphoric acid, in an available form (soluble or reverted), as well as the total phosphoric acid.

Section 4446b. Before any commercial fertilizer is sold or offered

How package  
containing  
commercial  
fertilizer to  
be marked.

Person offering same for sale to deposit sample with secretary state board of agriculture.

Manufacture, importer, or agent to pay license.

Analysis to be made by secretary state board of agriculture.

Secretary to publish, annually, report of analyses made and fees received.

Persons selling without complying with foregoing provisions, how punished.

Where suits to recover fines may be brought.

Secretary of state board of agriculture may select packages to be analyzed.

for sale, the manufacturer, importer, or party who causes it to be sold, or offered for sale within the state of Ohio, shall file with the secretary of the Ohio state board of agriculture a certified copy of the certificate referred to in section one of this act, and shall deposit with said secretary a sealed glass jar, containing not less than one pound of the fertilizer, accompanied with an affidavit that it is a fair average sample.

Section 4446c. The manufacturer, importer, or agent of any commercial fertilizer, exceeding ten dollars per ton in price, shall pay, annually, on or before the first day of May, a license fee of twenty dollars for the privilege of selling or offering for sale within the state, said fee to be paid to the secretary of the Ohio state board of agriculture: provided, that whenever the manufacturer or importer shall have paid the license fee herein required, for any person acting as [agent for] such manufacturer or importer, such agents shall not be required to pay the fee named in this section.

Section 4446d. All analyses of commercial fertilizers sold within the state shall be made by, or under the direction of the secretary of the Ohio state board of agriculture, and paid for out of the funds arising from license fees, as provided for in section three; at least one analysis of each fertilizer sold shall be annually made.

Section 4446e. Said secretary shall publish, annually, a correct report of all analyses made and certificates filed, together with a statement of moneys received on account of license fees and expended for analyses, and any surplus arising from license permits shall be placed to the credit of the agricultural fund.

Section 4446f. Any person or party who shall offer or expose for sale any commercial fertilizer, without complying with the provisions of sections one, two, and three of this act, or shall permit an analysis to be attached to any package of such fertilizer, stating that it contains a larger percentage of any one or more of the constituents named in section one of this act than it really does contain, shall be fined not less than two hundred dollars for the first offense, and not less than five hundred dollars for every subsequent offense; and the offender, in all cases, shall also be liable for damages sustained by the purchaser of such fertilizer; provided, however, that a deficiency of one per cent. of the nitrogen, potash, or phosphoric acid claimed to be contained, shall not be considered as evidence of fraudulent intent.

Section 4446g. Suit may be brought for the recovery of fines or damages, under the provisions of this act, in the county where the fertilizer was offered for sale, or where it was manufactured; and all fines so recovered shall be paid into the treasury of the state by the court collecting the same.

Section 4446h. The secretary of the Ohio state board of agriculture, or any person by him deputized, is hereby empowered to select from any package of commercial fertilizer exposed for sale in any county in Ohio, a quantity not exceeding two pounds, which quantity shall be for analysis to compare with sample deposited with said secretary, as provided for in section two of this act, and with the printed certificate found on the given package found on sale.

**Section 4446i.** All suits for the recovery of fines, under the provisions of this act, shall be brought by the secretary of the Ohio state board of agriculture, in the name of the state of Ohio.

**SEC. 2.** An act passed April 1, 1878, entitled an act to prevent fraud in the sale of fertilizers, is hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after the first day of May, 1881.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

All suits under this act to be brought by secretary of state board of agriculture.

[Senate Bill No. 370.]

#### AN ACT

To amend section one of an act entitled "an act to authorize certain townships to build railroads, and to lease and operate the same," passed April 15th, 1880. (Ohio Laws, vol. 77, page 255)

[UNION TOWNSHIP, VAN WERT COUNTY.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended to read as follows:

Section 1. That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five hundred and twenty-four, the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township, that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed two miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of ten thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said

resolution shall be submitted to a vote of the qualified electors of such township, at a regular or special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; further provided, a majority of said electors voting at such election shall decide in favor of such a line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. That said original section one, so amended, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 17, 1881.

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Amended Senate Bill No. 308.

#### AN ACT

Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1880.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a line of railway is completed by the trustees, appointed under the act to which this is supplementary, so as to admit of the passage of cars from one terminus to the other, as designated in the resolution of the city council of the city owning said lines, the said trustees shall lease or sell the same to such persons or company as will conform to the terms and conditions which shall be fixed and provided by the trustees of the said railway and the trustees of the sinking fund of said city; provided, that before making such lease or sale, said trustees of said line shall invite propositions for either a lease or for a sale, by advertisements, for such length of time and in such newspapers as shall be prescribed by the trustees of the said railway and said trustees of said sinking fund; and provided further, that no award of a lease or sale shall be made, nor shall possession be delivered thereunder until approved by said trustees of said sinking fund; and provided further, that said railway shall not be sold for less than the par value of the bonds issued for its construction; the purchasers of the railway



to assume the payment of the interest on the bonds, as the same shall become due, and the principal thereof at maturity.

SEC. 2. That the trustees of said railway and the trustees of the sinking fund shall require the purchasers of said railway to deposit with the trustees of the sinking fund not less than three millions of dollars in United States or Cincinnati bonds, as security for the faithful performance of the contract. Said railway shall not be leased for a less term than twenty-five years.

SEC. 3. This act shall take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[Senate Bill No. 281.]

AN ACT

To authorize the issue of bonds by cities of the first grade of the first-class for city infirmary purposes.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works of cities of the first grade of the first class may authorize its president and the city comptroller to execute, sign, and issue bonds of such corporation, pledging the property, faith, and credit of the corporation therefor, said bonds to be made payable in ten years from the date of their issue, and to bear not more than four and one-half per cent. per annum interest, interest payable semi-annually, and to be sold at not less than par, after advertising the sale thereof for ten successive days in two newspapers of general circulation in the corporation; provided, that the amount of the bonds herein authorized to be issued, shall not exceed the sum of nineteen thousand dollars.

SEC. 2. The proceeds of the sale of the said bonds shall be placed in the city treasury, to the credit of the infirmary fund, subject to the order of and to be used by the board of directors of the city infirmary of such city, for the following purposes exclusively:

For the purpose of making the following additions and improvements to the city infirmary buildings, located near the village of Hartwell, in the county of Hamilton, and state of Ohio, as follows;

Boilers, machinery, and steam heating pipe, and other materials and labor for the purpose of heating said building by steam.

SEC. 3. The said board of directors shall advertise for proposals for furnishing the said materials and performing the said work, in whole or in parts, as said board may determine, for a period of at least ten days, in one or more newspapers of general circulation in the corporation; and the board shall award the contract or con-

tracts to the lowest responsible bidder, or reject all bids, taking proper security for the performance of the same; provided, that the contract shall not be awarded to any bidder the cost of which will exceed the estimate; and all expenses incurred in excess of the estimate therefor, shall be absolutely void.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[Senate Bill No. 284.]

#### AN ACT

To authorize certain municipal corporations to purchase or construct machine-shops, and issue bonds therefor.

[NEWARK.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation, which, by the federal census of 1880, had, and those which, hereafter, on the first day of March, in any year, as ascertained by any federal census, may have a population of nine thousand six hundred and three, is hereby authorized to contract for, and purchase machine-shops, and construct machine-shops, and purchase real estate therefor; and for that purpose, to issue bonds to the amount of fifty thousand dollars, in such denominations, and payable at such times as the council, by resolution, may determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from date thereof.

SEC. 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction or purchase of machine-shops; but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such municipal corporation in double the amount of such contract; conditioned that such contractor shall fully perform all of the obligations imposed upon him by such contract.

SEC. 3. That such council is hereby authorized to lease said shops, with or without the grounds upon which the same may be built, for such terms, conditions, and reservations as may be by it determined by resolution; or such council may sell and convey such shops, with or without the grounds upon which the same are built, for such consideration, and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the power herein conferred shall, in no case, be exercised by such council, until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general or special election held therein. That for the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon passage of a resolution by such council for that purpose, shall give notice of the time of holding such election, which shall be published in all newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by officers authorized to preside at elections in such municipal corporation. The tally-sheets and poll-books of such election shall, forthwith, be returned to the clerk of such municipal corporation, who, with the president of the council, shall, at any regular or special meeting of such council, proceed to canvass such vote; and the clerk of such municipal corporation shall enter the number of votes cast for and against said proposition in each ward and voting precinct, and of the aggregate number of votes for, and the number of votes against such proposition in such municipal corporation; and if it shall appear by the returns of such election that two thirds of all the electors voting at such election shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if two thirds of such electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election, shall have written or printed thereon the words, "Machine-shops—Yes;" "Machine-shops—No."

SEC. 5. That the resolution herein provided for of such council, shall, forthwith, be entered upon the ordinance book of such municipal corporation, by the clerk thereof, and shall take effect upon the passage, without publication, any provision of law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk, and attested by the seal of such municipal corporation; and the council of such municipal corporation is hereby authorized to levy such tax upon the taxable property of such city each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[House Bill No. 621.]

## AN ACT

To amend section seven hundred of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven hundred of the revised statutes of Ohio be amended so as to read as follows:

Countries  
entitled to  
send patients  
in proportion  
to population.

Section 700. Each county is entitled to send patients to the asylum of the district in which such county is situated, in proportion to the population of such county; no person shall be admitted into either of the asylums belonging to the state, except an inhabitant of the district in which the asylum is located; and no person shall be considered an inhabitant, within the meaning of this chapter, who has not resided within the state one year next preceding the date of his or her application; and no person is entitled to the benefit of the provisions of this chapter, except whose insanity has occurred during the time such person has resided in the state; all persons who have been, or may hereafter be admitted into either of the asylums for the insane, belonging to the state, shall be maintained therein at the expense of the state, except as provided in section six hundred and thirty-one of this title of the revised statutes of Ohio; the trustees may direct the discharge of a patient when they deem it expedient; the medical superintendent of each of the asylums shall inform the probate judge of the different counties comprising the district, monthly, of the quota of patients to which each county is entitled, and the number in the asylum from said county, and the probate judge may, at any time, forward an acute case if the quota is not full, and papers and clothing are in compliance with law.

SEC. 2. Said original section seven hundred of the revised statutes of Ohio is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[House Bill No. 588.]

## AN ACT

To amend section four thousand eight hundred and eighty-nine (4889) of the revised statutes of Ohio, as amended March 18, 1880. (77 v. 7, p. 65.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand eight hundred and eighty-nine of the revised statutes of the state of Ohio as amended March 18, 1880, be amended to read as follows:

Section 4889. Each township in the counties of Belmont, Carroll, Champaign, Clarke, Clermont, Columbiana, Cuyahoga, Darke, Delaware, Erie, Fayette, Franklin, Geauga, Greene, Hamilton, Henry, Huron, Licking, Logan, Lucas, Madison, Montgomery, Muskingum, Ottawa, Pickaway, Pike, Preble, Ross, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, and Wayne, in which any such free road is located, is made a road district for the care and maintenance thereof.

Townships in certain counties made road districts.

SEC. 2. That said section four thousand eight hundred and eighty-nine, as amended March 18, 1880, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

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House Bill No. 670.

AN ACT

To amend section sixty-six (66) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-six be amended to read as follows:

Section 66. At the same time that the documents mentioned in section sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type twenty hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads, designating each report, except such reports as are ordered by law or joint resolution to be bound in cloth, to be styled "executive documents," to be bound in half law binding. The supervisor of public printing shall make out an index to be printed at the commencement or close of each volume; there shall be no charge for composition for printing the two thousand copies of said "executive documents" except for the index and title page.

Executive documents, number of copies to be printed.

SEC. 2. Said section sixty-six, as amended March 9, 1880, is hereby repealed.

SEC. 3. This act shall take effect and be in force after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

## House Bill No. 638.

## AN ACT

Amending sections one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four of the revised statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four of the revised statutes of Ohio, be amended to read as follows:

How and  
when grades  
of paper to be  
fixed.

**Section 132.** Annually, on or before the first day of August, the commissioners of public printing and the supervisor of public printing shall ascertain and fix the amount and grade of all paper necessary for the printing of both branches of the general assembly and the state officers, and other public printing for the period of one year from the first day of November.

Secretary of  
state to give  
notice for  
sealed propo-  
sals to furnish  
paper.

**Section 133.** When the amount and grades are ascertained and fixed as aforesaid, the secretary of state shall give notice, weekly, for four consecutive weeks, in three daily newspapers printed in, and of general circulation in the state, immediately preceding the first Monday of September, setting forth that sealed proposals will be received at the office of the secretary of state until 12 o'clock, noon, on the first Monday of September following, for furnishing such paper. It shall also be his duty to notify, by mail, the proprietors of the various paper mills and wholesale dealers in paper in the state, that such proposals, as aforesaid, will be received at his office up to the time named; and the secretary, on application, shall furnish samples of the grades of paper to be bid for.

What propo-  
sals to con-  
tain.

**Section 134.** The proposals shall contain the price bid on each sample as furnished by the secretary of state, and on the first Monday of September the same shall be opened by the commissioners of public printing, and the contract by them awarded to the lowest bidder or bidders for the different kinds of paper; provided, that said commissioners shall have the right to reject any or all bids, if in their opinion the bids are above what would be the average market value of such paper or papers during the year for which the contract would be let; and in case any or all bids are rejected, the said commissioners of public printing may re-advertise, as provided in section 133, for three weeks, for proposals as aforesaid, and said bids shall be opened the first Monday of October, and the contract or contracts awarded as hereinbefore provided; and in either case, should the commissioners of printing be of the opinion that the bid or bids should be rejected in the interest of the state, the said commissioners are hereby authorized to purchase the different kinds of paper required at the lowest price it can be obtained for in the open market for that year.

Commission-  
ers may reject  
bids and re-  
advertise.

May purchase  
in open mar-  
ket.

Supervisor to  
examine all  
paper re-  
ceived.

And it is hereby made the duty of the supervisor of public printing to weigh and examine all shipments of paper received by the state, under contract or purchase, as herein provided, and to report in writing to the secretary of state if the same is in accordance with the contract or contracts, or the terms of the purchase of the same. A record of all transactions for the contracting, purchase, and

delivery of all papers named in section one hundred and thirty-three shall be kept by the secretary of state and preserved in his office.

SEC. 2. That sections one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four of the revised statutes of Ohio are hereby repealed; and this act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[House Bill No. 704.]

#### AN ACT

Supplementary to the act entitled "an act to authorize the register of Virginia military school lands, at Mansfield, to close the business of his office," passed June 10, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state, in addition to the duties heretofore imposed upon him by the provisions of the act to which this is supplementary, or by any laws now in force in regard to said Virginia military school lands, shall be and he is hereby required to prepare at his office triplicate accounts of all interest, charges, or accounts against persons holding any lease or leases of said lands, located in the several counties where situated, described in the first section of the act to which this is supplementary, to contain the names of the several lessees in alphabetical order, describing such lands, the number of acres so held, the amount of the annual interest due thereon, and the date when due, and shall forward one of said copies to the treasurer of the proper county, immediately, in case the same has not been paid, and hereafter on or before the first day of October each year.

Auditor of state to prepare accounts of persons holding leases of certain school lands and send to county treasurer.

SEC. 2. The treasurer of such county shall collect the interest so charged against such lands, from the holders of leases or their assigns, when the same becomes due, giving his receipt therefor, and shall fully account for the money so received, and settle with the auditor of state therefor, paying the amount so collected to the auditor of state at the time of making his semi-annual settlement in August each year, retaining for his services in said collection one percentum of all moneys so collected.

County treasurer to collect interest charged against said lands and settle with auditor of state therefor.

SEC. 3. After making his settlements as aforesaid with the auditor of state, said treasurer shall certify to the auditor of state a list of the persons holding such leases, the description of the lands, and amount of interest due thereon, who refused or neglected to pay the same; whereupon the auditor of state shall immediately proceed to collect the same as now provided by law; and in case of persistent refusal of such persons to pay such interest due the state, shall proceed to have their said leases forfeited, and such lands proceeded with as now directed by law.

Treasurer to certify list to auditor of state of persons who refuse to pay.

Lease to be forfeited in case of persistent refusal.

Auditor to  
pay money to  
treasurer.

SEC. 4. The auditor of state shall, so soon as the said moneys are paid to him by the several county treasurers, pay the same into the state treasury as other money is required to be paid, and place the same to the credit of the proper fund to be disposed of as now required by law.

Treasurer to  
give notice to  
lease-holders  
that he will  
receive inter-  
est due.

SEC. 5. The treasurer of each of such counties, wherein are located such lands, at the time of giving notice of the amount of taxes levied and due each year, shall also give notice, at the same time, and in the same manner, that he will also receive such interest due from the holders of leases of school lands within such county, and when the same will become due and payable.

Persons may  
pay principal  
of amount due  
and receive  
deed.

SEC. 6. When any person desires to pay the principal of the amount due the state on leases heretofore made of such lands, such person is hereby authorized to pay the same to the auditor of state, and shall surrender his lease therefor, as now provided by law; whereupon the auditor of state shall prepare, and forward to such person or persons, a deed of conveyance for such lands, duly executed by the governor, which money the auditor of state shall, when so as aforesaid paid to him, immediately pay into the state treasury, to be disposed of as now required by law.

Auditor of  
state to deliver  
to treasurer of  
state copies of  
bids and settle  
as in other  
cases.

SEC. 7. At the time of delivering to the treasurers of the several counties, copies of his accounts of such interest due from lessees of said school lands, he shall also deliver to the treasurer of state copies thereof; and shall at his first settlement with the treasurer of state, after his semi-annual settlement with the respective county treasurers in the month of August each year, settle for the same and compare accounts with the treasurer of state, as to the amount paid, and yet due thereon, in the same manner as their other accounts are settled and compared; and in no event shall receipts be given to the county treasurers for the money so as aforesaid paid by them to the auditor of state; or a deed be executed by the governor, until the money has been actually paid into the treasury of the state, and the receipt of the treasurer of state exhibited therefor.

Auditor of  
state to keep  
account of  
fees and  
expenses and  
pay same.

SEC. 8. The auditor of state shall keep an accurate account of all necessary expenses and fees paid, in the collection of said interest, and in the performance of the several duties required to be performed by the several county treasurers, and by himself, his agents, or attorneys in securing the collection of said interests, and protecting the rights of the state in said land, and shall draw his order on the treasurer of state for all such reasonable and necessary charges and expenses not otherwise provided for by law, to be paid out of any fund in the state treasury applicable to such purposes.

SEC. 9. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate,*

Passed March 21, 1881.



[House Bill No. 653.]

## AN ACT

Supplementary to an act entitled "an act to authorize certain municipal corporations to construct machine-shops, and issue bonds therefor," passed April 13, 1880. (O. L., 77, 193).

[NEW PHILADELPHIA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation referred to in the act to which this is supplementary, is hereby authorized to purchase real estate, and construct thereon glass-works and such other manufacturing works as such council may determine, instead of railroad machine-shops as provided in said original act; and for such purpose or purposes such council is hereby authorized to appropriate and use any sum or sums of money not to exceed in all the sum of fifty thousand dollars (\$50,000) of the fund authorized to be raised by said original act; provided, that the powers hereinbefore conferred shall not be exercised in any case, or for any purpose, until the question of making an appropriation as herein provided, shall be submitted to a vote of the qualified electors of such municipal corporation, according to the provisions of section four of the act to which this is supplementary so far as such provisions are applicable, and that at each and every time a proposition under this act shall be thus submitted, the notice required by said section shall contain a statement showing clearly the object and purpose of the proposed appropriation and the amount thereof. The ballots to be voted at such general or special election shall have written or printed thereon the words "Glass-works—Yes;" "Glass-works—No;" and in the event that a proposition for the construction of any other works shall be submitted, such ballots shall have written or printed thereon, "Naming the works—Yes;" "Naming the works—No."

SEC. 2. That such council is hereby authorized to lease, and is authorized to sell and convey upon such terms and conditions as may by it be determined by resolution, any part or all of said real estate, with or without the buildings constructed or to be constructed thereon, to such person or persons, or company or companies, as may by such council be determined.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 21, 1881.

[Substitute for House Bill No. 190.]

## AN ACT

To appropriate any money not otherwise appropriated to repair the buildings of the Ohio University.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of twenty thousand dollars, from any money not otherwise appropriated, is hereby added to the fund now existing in the treasury of the state, for the purpose of repairing the buildings of the Ohio University.

SEC. 2. That the treasurer of state is hereby directed to pay on the warrant of the auditor of state, to the treasurer of said university, said sum of money in installments, not exceeding five thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 21, 1881.

[House Bill No. 681.]

## AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1881, and the first quarter of the fiscal year ending February 15, 1882.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums for the purposes herein named, to wit:

*State Board of Agriculture.*

For the encouragement of agriculture: salary of secretary of board and assistants, expenses of taking quarterly crop reports, farmers' institute, and new agricultural works, six thousand dollars (\$6,000).

For contingent expenses of the office of the board of agriculture, five hundred dollars (\$500).

Said appropriations to be drawn on vouchers approved by the president of the board.

*Horticulture.*

For the encouragement of horticulture, to be drawn on vouchers approved by the president of the state board of horticulture, five hundred dollars (\$500).

*Adjutant-General's Office:*

For salary of chief clerk, fourteen hundred dollars (\$1,400).

For salary of four transcribing clerks of soldiers' records, twelve hundred dollars each (\$4,800).

For salary of superintendent of arsenal and ordinance clerk, twelve hundred dollars (\$1,200).

For contingent expenses and inspections, fourteen hundred dollars (\$1,400).

For transportation of indigent soldiers to soldiers' home, one hundred and fifty dollars (\$150).

For expenses of companies, nine thousand five hundred dollars (\$9,500).

For expenses of batteries and cavalry, eighteen hundred dollars (\$1,800).

For transportation and subsistence of Ohio national guards, twenty-one thousand dollars (\$21,000).

For pay of Ohio national guards, in camp, thirty-three thousand dollars (\$33,000).

For expenses of courts-martial, one hundred dollars (\$100).

For repairs of arsenal, two hundred dollars (\$200).

For care of military stores and freight on arms, one thousand dollars (\$1,000).

For uniforms for Ohio national guards, five thousand dollars (\$5,000).

*Care of State House and Grounds:*

For salary of superintendent of laborers, nine hundred dollars (\$900).

For compensation of one engineer, six months in the year, six hundred dollars (\$600).

For compensation of two firemen, six months in the year, nine hundred dollars (\$900).

For compensation of policeman at capitol, seven hundred and twenty dollars (\$720).

For compensation of janitor of rotunda, seven hundred and twenty dollars (\$720).

For compensation of janitor of flag-room, seven hundred and twenty dollars (\$720).

For compensation of four regular laborers, two thousand four hundred and ninety-six dollars (\$2,496).

For extra labor, two thousand dollars (\$2,000).

For fuel for state house, two thousand dollars (\$2,000).

For water rent, one thousand dollars (\$1,000).

For materials and repairs, one thousand dollars (\$1,000).

For repairing heating apparatus, six hundred dollars (\$600).

*Auditor of State:*

For salary of chief clerk, two thousand dollars (\$2,000).

For salary of book-keeper, sixteen hundred dollars (\$1,600).

For salary of land clerk, fifteen hundred dollars (\$1,500).

For salary of railroad, bank, and miscellaneous clerk, fifteen hundred dollars (\$1,500).

For salary of trust-fund and miscellaneous clerk, twelve hundred dollars (\$1,200).

For salary of statistical clerk, twelve hundred dollars (\$1,200).

Contingent expenses of office, eleven hundred dollars (\$1,100).

For extra clerk hire on account of the equalization of real estate, one thousand dollars (\$1,000).

For furniture, carpets, and repairs, four hundred dollars (\$400).

For bank redemption fund, two thousand six hundred and twenty-four dollars and forty cents (\$2,624.40).

To pay bounties of veteran volunteers under provisions of several acts providing therefor, two thousand dollars (\$2,000).

*Attorney-General :*

For salary of clerk, one thousand dollars (\$1,000).

For attorney-general's fees, five hundred dollars (\$500).

For contingent expenses of office, three hundred dollars (\$300).

For carpet and painting office, two hundred dollars (\$200).

For expenses incurred in prosecuting claims against the general government under act of April 17, 1880, O. L. Vol. 77; 310. Two thousand dollars (\$2,000).

*Commissioner of State Common Schools :*

For salary of chief clerk, seventeen hundred and fifty dollars (\$1,750).

For salary of assistant clerk, twelve hundred dollars (\$1,200).

For traveling expense of commissioner, in the discharge of his duties, six hundred dollars (\$600).

For contingent expenses of office, five hundred dollars (\$500).

For boxing and shipping reports, one hundred dollars (\$100).

*Commissioners of Fisheries.*

For expenses of the commissioners, to be drawn on vouchers, approved by the commissioners, five thousand dollars (\$5,000). One thousand (\$1,000) dollars of said appropriation shall be expended in the distribution of fish in the inland waters of the state.

*Commissioner of Railroads and Telegraphs :*

For salary of clerk, twelve hundred dollars (\$1,200).

For contingent expenses of office, three hundred and fifty dollars (\$350).

For the employment of experts to examine railroads and railroad bridges, seven hundred dollars (\$700).

For purchase of railroad maps for report now in press, one hundred dollars (\$100).

*Governor's Office:*

For salary of executive clerk, fifteen hundred dollars (\$1,500).

For salary of private secretary, eight hundred dollars (\$800).

For contingent expenses and extra clerk hire, twenty-five hundred dollars (\$2,500).

For furniture and repairs, one hundred dollars (\$100).

For indexing general record of executive department from 1864 to 1879, inclusive, eight hundred dollars (\$800).

*Insurance Department.*

For salary of chief clerk, fifteen hundred dollars (\$1,500).

For salary of book-keeper, twelve hundred dollars (\$1,200).

For salary of corresponding clerk, eight hundred dollars (\$800).

For salary of mailing clerk, six hundred dollars (\$600).

For salary of actuary, two hundred and fifty dollars (\$250).

For contingent expenses of office, one thousand dollars (\$1,000).

*Judiciary:*

For salaries of the supreme, superior, and common pleas judges, one hundred and ninety-seven thousand five hundred dollars (\$197,500).

*Commissioner of Labor Statistics:*

For contingent expenses, three hundred dollars (\$300).

For traveling expenses, one hundred and fifty dollars (\$150).

*The Legislature:*

For salaries and mileage of members of the general assembly, *per diem* of clerks, sergeants-at-arms, and employes, while the general assembly is in session, and for the payment of the clerks of the senate and house, sergeants-at-arms of the senate and house, after adjournment, as is provided in sections thirty-nine, forty-three, and forty-five of the revised statutes, and for the payment of any other persons or employes for labor performed or services rendered after the adjournment of the general assembly, as may be provided for by resolution of the respective branches fifty-seven thousand nine hundred dollars (\$57,900).

For contingent expenses of the two houses, five hundred dollars (\$500).

For expenses of committees of the two houses, five hundred dollars (\$500).

For contingent expenses of the clerk of the senate, fifty dollars (\$50).

For contingent expenses of the clerk of the house, one hundred dollars (\$100).

*State Library.*

For books, magazines, and papers, fifteen hundred dollars (\$1,500).

For contingent expenses, including the payment of expressage and postage on exchanges, six hundred dollars (\$600).

*Supreme Court:*

For purchase of books for law library, fifteen hundred dollars (\$1,500).

For employment of assistant librarian or messenger, one thousand dollars (\$1,000).

For porter, one hundred and eighty dollars (\$180).

For contingent expenses of supreme court, four hundred dollars (\$400).

For contingent expenses of reporter, one hundred dollars (\$100).

For cleaning, painting, and furnishing court-room in addition to the appropriation of one hundred dollars, made in 1880, for cleaning walls of said room, seven hundred dollars (\$700).

To pay for preparing catalogue for law library, six hundred dollars (\$600).

To pay for rental of telephone fifty dollars (\$50).

Said appropriations to be expended under the direction of the chief justice.

*Clerk of Supreme Court:*

For contingent expenses, three hundred dollars (\$300).

To be expended under the direction of the chief justice.

*Inspector of Mines:*

For contingent expenses, seven hundred dollars (\$700).

For attorney's fees, two hundred dollars (\$200).

*Secretary of State:*

For salary of chief clerk, two thousand dollars (\$2,000).

For salary of statistical clerk, fifteen hundred dollars (\$1,500).

For salary of stationery clerk, thirteen hundred and fifty dollars (\$1,350).

For salary of corporation clerk, thirteen hundred and fifty dollars (\$1,350).

For salary of recording clerk, thirteen hundred and fifty dollars (\$1,350).

For contingent expenses, twelve hundred dollars (\$1,200).

For distribution of laws and public documents, twenty-one hundred dollars (\$2,100).

For salary of superintendent of packing room, eight hundred dollars (\$800).

For stationery, fifty thousand dollars (\$50,000).

For chairs, lamps, and repairing furniture, two hundred dollars (\$200).

For extra clerk hire, one thousand dollars (\$1,000).

For completing statistical report of 1880, four hundred and twenty-five dollars (\$425).

For repairs in packing room, one hundred and fifty dollars (\$150).

*Supervisor of Public Printing:*

For state printing twenty-three thousand dollars (\$23,000).

For state binding, twenty-five thousand dollars (\$25,000).

For contingent expenses, one hundred and fifty dollars (\$150).

*Salaries of State Officers.*

For governor, four thousand dollars (\$4,000).

For lieutenant-governor, eight hundred dollars (\$800).

For adjutant-general, two thousand dollars (\$2,000).

For assistant adjutant-general, fifteen hundred dollars (\$1,500).

For secretary of state, two thousand dollars (\$2,000).

For treasurer of state, three thousand dollars (\$3,000).

For auditor of state, three thousand dollars (\$3,000).

For attorney-general, fifteen hundred dollars (\$1,500).

For members of the board of public works, twenty-four hundred dollars (\$2,400).

For state librarian, fifteen hundred dollars (\$1,500).

For assistant librarian, one thousand dollars (\$1,000).

For law librarian, fifteen hundred dollars (\$1,500).

For the payment of any deficiencies that may occur in the fees collected by the clerk of the supreme court to meet his salary as provided by section four hundred and twenty-two of the revised statutes, five hundred dollars (\$500).

For deputy clerk of the supreme court, twelve hundred dollars (\$1,200).

For commissioner of railroads and telegraphs, two thousand dollars (\$2,000).

For superintendent of insurance to June 3, 1881, eight hundred and eighty-seven dollars and sixty-seven cents (\$887.67), and from June 3d to February 15, fourteen hundred and eight dollars and twenty-two cents (\$1,408.22).

For inspector of mines, two thousand dollars (\$2,000).

For commissioner of statistics of labor, two thousand dollars (\$2,000).

For supervisor of public printing, thirteen hundred dollars (\$1,300).

For commissioner of common schools, two thousand dollars (\$2,000).

For reporter of supreme court, one thousand dollars (\$1,000).

*Treasurer of State:*

For salary of cashier, two thousand dollars (\$2,000).

For salary of two book-keepers, twenty-seven hundred dollars (\$2,700).

For salaries of two night-watchmen, sixteen hundred dollars (\$1,600).

For contingent expenses, nine hundred and twenty-two dollars (\$922).

For telephone service, eighty-six dollars (\$86).

For repairs and furniture, two hundred dollars (\$200).

For extinguishing lights in the state-house and state-house grounds, one hundred and twenty dollars (\$120).

No appropriations made in the foregoing section or any part thereof, shall be drawn for any other purpose than the specific purpose for which it is made; nor shall any part thereof be drawn to pay deficiencies, or debts existing on the 15th day of February, 1881. No bills for extra clerk hire, sprinkling streets, furniture, or carpets, shall be paid out of the appropriations therein made for contingent expenses. No money therein appropriated shall be drawn except on a requisition from a proper person accompanied by an itemized voucher, and it shall be the duty of the auditor of state to see that these provisions are complied with.

#### *Miscellaneous :*

For refunding taxes to Ohio university (O. L. 72, V. 84), collected on grand duplicate of 1879, one hundred and twelve dollars and ten cents (\$112.10), and on account of taxes collected on grand duplicate of 1880, for same purpose so much as the auditor of state finds to be due said university after the August settlement of 1881, of Athens county is made with the state treasurer; for payment of balance due insurance companies which have retired from business in the state to be drawn on the order of the superintendent of insurance, the sum of one hundred and seven dollars (\$107).

#### *State Board of Equalization :*

For per diem of members eleven thousand one hundred dollars (\$11,100).

For per diem of officers and employes, nineteen hundred and twenty-five dollars (\$1,925).

For mileage of members, one hundred and fifty dollars (\$150).

#### *Public Works :*

SEC. 2. That there is hereby appropriated from any money coming into the treasury, as receipts from the public works, the following sums, to wit :

For the maintenance, repairs, compensation of superintendents and other employes of the public works, not otherwise herein provided for, the receipts from tolls, rents, fines, and other income arising from the public works, not otherwise appropriated.

Salary of chief engineer, two thousand dollars (\$2,000).

For salaries of resident engineers, thirty-six hundred dollars (\$3,600).

For attorney's fees, five hundred dollars (\$500).

For contingent expenses, three hundred dollars (\$300).

SEC. 3. That there is hereby appropriated to the Western



Reserve and Maumee road, whatever money may be collected and paid into the treasury to the credit of said road.

SEC. 4. For contingent expenses, board of equalization, fifteen hundred dollars (\$1,500).

SEC. 5. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[Senate Bill No. 366.]

### AN ACT

To authorize the issue of bonds by cities of the third grade of the second class, for market-house, city hall, and other purposes.

[STEUBENVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the third grade of the second class, having a population of more than twelve thousand and less than thirteen thousand, may authorize its president and clerk to execute, sign, and seal with its corporate seal, and issue bonds of such corporation, pledging the property, faith, and credit of the corporation therefor: provided, a majority of the voters, voting at the municipal election last preceding the issue of said bonds, voted in a favor thereof; said bonds to be made payable in not more than twenty years from the date of their issue, and to bear not more than six per cent. per annum interest, interest payable semi-annually, and to be sold at not less than par, after advertising the sale thereof, as follows: The city council shall cause to be published, for a period not less than ten days, in some newspaper of general circulation in such corporation, inviting propositions for taking said bonds, fixing a day and hour, when the offers shall be opened, and shall award to the person or persons any part or the whole amount of said bonds, which shall be determined by the price offered and the rate of interest which said bonds shall bear, and such city council may reject any offer if it is deemed for the interest of said city: provided, that the amount of bonds herein authorized to be issued, shall not exceed the sum of fifty thousand dollars.

SEC. 2. The proceeds of the sale of said bonds shall be placed in the city treasury to the credit of the city, subject to the order of, and to be issued by the city council of such city, for the following purposes, exclusively: for the purpose of building a city building, for market-house, city hall, and such other purposes as the city council may determine. The city council shall advertise for proposals for furnishing the materials and performing the work, in whole or in parts, as said council may determine, for a period of at least ten days, in one or more newspapers of general circu-

lation in such corporation; and the city council shall award the contract to the lowest responsible bidder, or reject all bids, taking proper security for performance of the same: provided, that the contract shall not be awarded to any bidder, the cost of which will exceed the estimate; and all expenses in excess thereof, shall be absolutely void.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[House Bill No. 536.]

AN ACT

To amend section two thousand four hundred and fifty-one of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand four hundred and fifty-one of the revised statutes be so amended as to read as follows:

Board of examiners of unsafe buildings.

Section 2451. In cities of the first and second class there shall be a board of examiners of insecure and unsafe buildings, which board shall consist of the mayor, fire marshal, and assistant fire marshals; and if in any city there be no fire marshal or assistant, then the city council shall appoint three suitable persons, who, with the mayor, shall constitute such board.

SEC. 2. That said original section two thousand four hundred and fifty-one be and the same is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[House Bill No. 636.]

AN ACT

To amend section six thousand one hundred and ninety-five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand one hundred and ninety-five of the revised statutes be so amended as to read as follows:

Section 6195. After thirty days from the time of the settlement of the account of an executor, administrator, or guardian shall have been made, or shall hereafter be made, by the probate

court, and an order of distribution made thereon, if such executor, administrator, or guardian shall neglect or refuse to pay to any person interested in said order of distribution as creditor, legatee, widow, heir, or other distributee, or otherwise when demanded, his or her share of the estate or property ordered to be distributed by such probate court, it shall be lawful for any person interested as aforesaid to file a petition in the probate court against the executor, administrator, or guardian, making such settlement of his or her account as aforesaid, briefly setting forth in the petition the amount and nature of the claim of the party filing such petition, whereupon the probate judge shall forthwith issue a citation against such executor, administrator, or guardian, setting forth the filing of the petition, the amount claimed by the petitioner, and commanding such executor, administrator, or guardian to appear before said probate court on the return day thereof to answer said petition, and show cause, if any, why judgment should not be rendered and execution awarded against him or her for the amount claimed by such petitioner, and found to be due upon such settlement and order of distribution, which citation shall be made returnable not less than twenty nor more than forty days from the date thereof, which shall be served and returned by the sheriff or other proper officer, as in the case of a summons, and may issue to any county in the state.

How payment of order of distribution enforced.

SEC. 2. That section six thousand one hundred and ninety-five be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[House Bill No. 664.]

#### AN ACT

To amend section three thousand four hundred and seventy-nine of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand four hundred and seventy-nine be so amended as to read as follows:

Section 3479. A person using any such road, who, with intent to defraud any such company, or to evade the payment of toll, passes through any private gate or bars, or along any other ground near a turnpike, or plank-road gate erected in pursuance of law, or practices any fraudulent or forcible means with intent to evade or lessen the payment of such toll, shall, for every such offense, forfeit and pay a fine of five dollars, to be recovered with cost of suit and amount of toll due for passing through any such gate,

Penalties for evading the gates.

before any justice of the peace of the county in which such offense was committed, without stay of execution. And the fine or fines when collected for such offense, shall be paid into the common school fund in the township in which such offense was committed, but nothing herein shall be so construed as to prevent persons using any such roads between gates for common purpose.

SEC. 2. That said original section three thousand four hundred and seventy-nine be and the same is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Bill No. 808.]

#### AN ACT

To amend section three thousand two hundred and six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand two hundred and six of the revised statutes of Ohio be so amended as to read as follows :

Remedy of  
holder of  
mechanics  
lien by action.

Section 3206. Any person holding a mechanics' lien may, in addition to the remedies herein provided for, proceed by petition, as in other cases of liens, against the owner and all other persons interested, either as lienholders or otherwise, in any such boat, vessel, or other water-craft, or house, mill, manufactory, or other building, or appurtenance, mentioned in section thirty-one hundred and eighty-four, and the lot of land on which the same may stand, or to which it may be removed, and obtain such judgment therein for the rent or sale thereof, as justice and equity may require. [49 v. 108, § 1.]

SEC. 2. Said original section three thousand two hundred and six be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Bill No. 887.]

## AN ACT

To authorize certain cities of the second class to erect a building for the use of the fire department, city officers, and a hall; and to purchase a steam fire-engine.

[MASSILLON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city which by the federal census of 1880 had a population of six thousand eight hundred and sixty-eight are hereby authorized to contract for and erect a building for the use of the fire department, city officers, and a hall, and also to purchase a steam fire-engine; and for this purpose to issue bonds not to exceed twenty thousand dollars (\$20,000), bearing interest at a rate not exceeding six per centum per annum from the date of issue, payable annually.

SEC. 2. The bonds shall be signed by the president and countersigned by the city clerk, and attested by the corporate seal of said city; they shall not be sold for less than par value, and shall be issued at such times, and in such amounts, as the progress of the work may require.

SEC. 3. The bonds shall be made payable as follows: twelve hundred and fifty dollars (\$1,250) on the first day of March, 1882, and twelve hundred and fifty dollars (\$1,250) every six months thereafter until they are all redeemed, but in no event shall the time extend longer than eight years, nor shall any of the bonds be renewed, or the time extended, after they become due. Any member of the council voting to extend or renew the same shall be individually liable for the same.

SEC. 4. That the powers herein conferred shall in no case be exercised by any such city council until they are authorized by a vote of the qualified electors of such city, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the mayor of such city, upon the passage of a resolution by such city council for the purpose, shall give notice of the time of holding the same, which shall be published in all the newspapers of such city, at least ten days previous to such election; such election shall be held at the usual places of holding elections, and by officers authorized to preside at elections in such city. The poll-books and tally-sheets of such election shall be forthwith returned to the city clerk, who, with the mayor of such city shall at any regular or special meeting of the council, in presence of a quorum of the council, proceed to canvass such vote, and the city clerk shall enter the number of votes cast for such proposition and the number of votes against the same upon the journal, and if it appears by the returns, that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, then such city council shall have authority to exercise the powers herein conferred, and if two-thirds of such electors shall not have voted in favor of such

proposition, then such city council shall not have authority to exercise the power herein conferred.

SEC. 5. The ballots, poll-books, and tally-sheets shall be furnished by the city, and the ballots shall have written or printed thereon the words "Building for Fire Department, City Officers, Hall, and Steam Fire engine—Yes," "Building for Fire Department, City Officers, Hall, and Steam Fire engine—No."

SEC. 6. Should the returns show that two-thirds of the electors voted "Yes," it is further provided, that before the council shall have the authority to issue the bonds or make any contract whatever, the council shall by resolution adopt detailed plans and specifications complete of the entire building which is also to include the heating, after which the council shall advertise for at least three weeks in such city newspapers for sealed proposals for furnishing material, and finishing the building complete, also for heating the same, which bid or bids shall be accompanied with a bond, with two good sureties with such an amount as the council may fix by resolution. After opening the bids, if it is found that the building can be built all complete (including the heating) for the sum of twenty thousand dollars (\$20,000), then the council shall have the authority to enter into a contract with the lowest responsible bidder, and to have the power to issue bonds for the same, as provided above; neither shall there be any extra allowed, or changes made so as to increase the cost beyond the above named sum.

SEC. 7. After the building is completed as above provided, and should there be a balance left from the twenty thousand dollars (\$20,000) sufficient to purchase a steam fire-engine, it shall be so appropriated; but, in no case shall the building and steam fire-engine cost more than the above amount provided for.

SEC. 8. That for the purpose of paying the bonds and interest as they become due, the city council is hereby authorized to levy a tax of not to exceed one mill upon all the taxable property of such city each year, for a term not to exceed eight years, in addition to the tax already authorized by law to be levied.

SEC. 9. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 22, 1881.

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[House Bill No. 570.]

#### AN ACT

To amend section three hundred and one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and one of the revised statutes be amended to read as follows:

Section 301. All safety-lamps used for examining coal mines, or which are used in any mine, shall be the property of the owner of the mine, and shall be under the charge of the agent thereof,

and in all mines, whether they generate fire-damp or not, the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will shut of their own accord and cannot stand open, and the mining boss shall keep a careful watch over the ventilating apparatus and the airways, and he shall measure the ventilation at least once a week at the inlet and outlet, and also at or near the face of all the entries, and the measurements of air so made shall be noted on blanks furnished by the mine inspector; and on the first day of each month the mining boss of each mine shall sign one of such blanks, properly filled, with the said actual measurements and forward the same to the mine inspector.

SEC. 2. That section three hundred and one of the revised statutes be and the same is hereby repealed, and this act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Bill No. 609.]

#### AN ACT

To amend sections nine hundred and twenty-nine and nine hundred and thirty of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections nine hundred and twenty-nine and nine hundred and thirty be so amended as to read as follows:

Section 929. The commissioners of any county may when in their opinion, the interests of the public demand it, or upon the request of two hundred or more tax-payers by written petition, shall submit the question of establishing a children's home, and the issue of county bonds or notes to provide funds for the purchase of a site, and the erection thereon of said home, to the qualified electors of such county, or to the qualified electors of counties forming such district, at the next regular election, to be held at the usual place of holding elections, for ratification or approval; notice of said election to be published at least four weeks in two or more newspapers printed and of general circulation in said county, or in counties of said district, prior to taking such vote, together with the maximum amount of money proposed to be expended in establishing said home. And if a majority of electors voting at such general election in such county, or in the counties of such district, are in favor of establishing said home, then the commissioners of said county, or the commissioners of any two adjoining counties in such district having so voted in favor thereof, shall provide for the purchase of a suitable site and erection of the necessary buildings, to be styled the children's home for such county

Mining boss  
to examine  
and report as  
to ventilation.

County commissioners to submit question of children's home to qualified electors.

Notice of election.

Commissioners of adjoining counties may unite in purchase of site, etc.

May receive  
devise or be-  
quest.

May issue  
notes or bonds  
of county in  
anticipation of  
taxes.

Commission-  
ers to appoint  
board of trus-  
tees.

Said trustees,  
with commis-  
sioners, to ex-  
amine plan of  
building.

Plan to be  
submitted to  
state board of  
charities.

Superintend-  
ent—how ap-  
pointed.

Matron, as-  
sistant ma-  
tron, and  
teachers—  
how appoint-  
ed and duties.

or for such district, and provide means by taxation for such purchase and support of same; and they are authorized to receive and hold in trust for the use and benefit of said home any grant or devise of land, and any donation or bequest of money, or other personal property that may be made for the establishment or support of said home. The commissioners of any county, for this purpose, are authorized to issue the notes or bonds of said county in anticipation of the collection of the taxes levied or to be levied for the purchase of a suitable site and erection of the necessary buildings, or for the purchase of a suitable site and buildings already erected thereon, said notes or bonds to bear interest at the rate not to exceed six per cent. per annum, interest payable semi-annually; and said notes or bonds shall not be sold for less than their par value.

Section 930. When the necessary site and buildings are provided by the county, the commissioners shall appoint a board of three trustees, who shall hold their offices as follows: One for one year, one for two years, and one for three years, from the first Monday of March thereafter; and, annually, after said board is so constituted, the county commissioners shall, on the first Monday of March, appoint one trustee for said children's home, who shall hold his office for the term of three years, and until his successor is appointed and qualified. And said trustees, together with the county commissioners, shall constitute a board for the selection of plans of building for said home, which plans before adoption shall be submitted to the board of state charities for suggestions and criticisms. And said board of trustees shall designate some suitable person, who shall act as superintendent of said home, and who shall also be clerk of said board of trustees; and he shall receive for his services such compensation as the board of trustees designate at the time of his appointment; and he shall perform all such duties, and give security for the faithful performance of them, as the trustees by law direct. The trustees shall not receive any compensation for their services, and the superintendent shall have the entire charge and control of said home and the inmates therein; subject to such rules and regulations as shall be prescribed by the trustees; and said trustees may, upon the recommendation of the superintendent, appoint a matron, assistant matron, and teachers, whose duties shall be the care of the inmates of said home, to direct their employment, giving suitable physical, mental, and moral training to them. The matron shall, under the direction of the superintendent, have the control, general management, and supervision of the household duties of said home, and the matron, assistant matron, and teachers shall, each, perform such other duties and receive for their services such compensation as the trustees by by-laws from time to time direct, and they may be removed at the pleasure of the trustees, or a majority of them. The superintendent may suspend temporarily a matron, assistant matron, or teacher, notice of which must be immediately given to the board of trustees for their approval or disapproval.



SEC. 2. Said original sections nine hundred and twenty-nine and nine hundred and thirty are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[House Bill No. 787.]

AN ACT

To enable certain counties to issue bonds for the repair of turnpike bridges and culverts.

[LOGAN COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in counties having at the last federal census a population of twenty-six thousand two hundred and sixty-eight and no more, whenever it is necessary for want of bridge funds in the treasury of the county, the county commissioners may issue bonds of the county not exceeding in amount twenty thousand dollars, payable in installments or at intervals, not exceeding in all the period of five years, bearing interest at the rate not to exceed six per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value, to enable the commissioners to build bridges and culverts as provided for by law, and in such amounts only as will be necessary for that purpose, said bonds to be paid out of the bridge funds of such county only: provided, that no bonds shall be delivered, or money paid to any contractor, except upon estimate of work done, as the same progresses or is completed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

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[House Bill No. 641.]

AN ACT

To amend section four thousand seven hundred and thirty-three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand seven hundred and thirty-three

of the revised statutes of Ohio be so amended as to read as follows:

Road supervisor may construct foot-walk, foot-bridge, etc.

Section 4733. A supervisor, when authorized by the trustees, may construct on either side of any public road in his district a public foot-walk, sidewalk, or foot-bridge over streams of water of such material and at such expense as the trustees shall prescribe, which shall not in any manner obstruct the public highway, or any private entrance; or the trustees may construct, by contract with the lowest responsible bidder; all such improvements, to be paid for out of the township road funds.

SEC. 2. That said section four thousand seven hundred and thirty-three be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

[House Bill No. 702.]

#### AN ACT

Making partial appropriations for the benevolent, penal, and reformatory institutions of the state for the last three quarters of the fiscal year ending November 15, 1881, and the first quarter of the fiscal year ending February 15, 1882.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, the following sums for the purposes herein named, to wit:

##### *Athens Asylum for the Insane:*

For current expenses, twenty-five thousand dollars (\$25,000).  
For salaries of officers, one thousand dollars (\$1,000).  
For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

##### *Cleveland Asylum for the Insane:*

For current expenses, twenty-five thousand dollars (\$25,000).  
For salaries of officers, one thousand dollars (\$1,000).  
For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

##### *Columbus Asylum for the Insane:*

For current expenses, twenty-five thousand dollars (\$25,000).  
For salaries of officers, one thousand dollars (\$1,000).  
For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

*Dayton Asylum for the Insane :*

For current expenses, twenty-five thousand dollars (\$25,000).  
 For salaries of officers, one thousand dollars (\$1,000).  
 For expenses of trustees, one hundred dollars (\$100).  
 For ordinary repairs, five hundred dollars (\$500).

*Longview Asylum :*

For Longview asylum, to be deducted by the auditor of state in computing the amount to which Longview asylum would be entitled for this current year as provided in section seven hundred and fifty of the revised statutes of Ohio, fifteen thousand dollars (\$15,000).

For the care of colored insane of the state, as per contract, twenty-five hundred dollars (\$2,500).

*Lucas County Asylum for the Insane :*

For care of the insane, as per contract with the state, five thousand dollars (\$5,000)..

*Toledo House of Refuge and Correction :*

For the maintenance of boys, as per contract with the state, five thousand dollars (\$5,000).

*Asylum for the Deaf and Dumb :*

For current expenses, twenty thousand dollars (\$20,000).  
 For salaries of officers and teachers, five thousand dollars (\$5,000).  
 For expenses of trustees, one hundred dollars (\$100).  
 For ordinary repairs, five hundred dollars (\$500).

*Asylum for the Blind :*

For current expenses, fifteen thousand dollars (\$15,000).  
 For salaries of officers and teachers, five thousand dollars (\$5,000).  
 For expenses of trustees, one hundred dollars (\$100).  
 For ordinary repairs, five hundred dollars (\$500).

*Asylum for Imbecile Youth :*

For current expenses, twenty-five thousand dollars (\$25,000).  
 For salaries of officers and teachers, three thousand dollars (\$3,000).  
 For expenses of trustees, one hundred dollars (\$100).  
 For ordinary repairs, five hundred dollars (\$500.)

*Soldiers' and Sailors' Orphans' Home :*

For current expenses, fifteen thousand dollars (\$15,000).  
 For salaries of officers and teachers, five thousand dollars (\$5,000).

For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

*Penitentiary :*

For current expenses, twenty-five thousand dollars (\$25,000).  
For salaries of officers, five thousand dollars (\$5,000).  
For salaries of guards, ten thousand dollars (\$10,000).  
For manufacture of gas, two thousand dollars (\$2,000).  
For prosecution and transportation of convicts, under sections seven hundred and fifty-nine and seven thousand three hundred and thirty-six of the revised statutes, twenty thousand dollars (\$20,000).  
For salaries of directors, five hundred dollars (\$500).

*Girls' Industrial Home :*

For current expenses, ten thousand dollars (\$10,000).  
For salaries of officers, matrons, teachers, and house-keepers, two thousand dollars (\$2,000).  
For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

*Reform Farm School :*

For current expenses, fifteen thousand dollars (\$15,000).  
For salaries of officers and teachers, five thousand dollars (\$5,000).  
For expenses of trustees, one hundred dollars (\$100).  
For ordinary repairs, five hundred dollars (\$500).

*Ohio State University :*

For expenses of trustees, one hundred dollars (\$100).

*State Board of Charities :*

For expenses, five hundred dollars (\$500).

SEC. 2. No moneys appropriated in the foregoing section shall be expended to pay debts or deficiencies existing on the 15th day of February, 1881, nor used for any other purpose than the specific purpose for which the same is appropriated.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

## [Senate Bill No. 270.]

## AN ACT

To amend sections four thousand and eighty-one and four thousand and eighty-four, and to repeal certain sections therein named of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand and eighty-one of the revised statutes, as amended February 12, 1880, and section four thousand and eighty-four of the revised statutes of Ohio be amended so as to read as follows:

Section 4081. That each person who applies to the board for examination shall pay to the clerk a fee of fifty cents. The board may grant certificates for one, two, three, five, and ten years, which shall be signed by the president and attested by the clerk, and shall be valid within the district wherein they were issued, and such certificates issued for five and ten years, if in part on account of consecutive years of teaching and experience, which shall be so stated in the certificate, shall be renewable without re-examination, at the discretion of the examining board, and on the production of satisfactory evidence that a person to whom a certificate has been issued is inefficient, or guilty of immoral or improper conduct, the board may revoke the certificate and discharge such person from employment as teacher in the district; but such teacher shall be entitled to pay for services to the time of such discharge, and the word teacher shall be held to include superintendent of schools.

Examination  
fee of teachers.

Certificates  
may be issued  
for whole  
term.

Certain certificates  
renewable without  
re-examination.

Section 4084. The provisions of this chapter relating to boards of examiners for city districts of the first class shall be applicable to such boards for city districts of the second class, and village districts having a population not less than twenty-five hundred, except that such boards shall consist of three members, and except, also, that the examiners' fees shall be disposed of, and statements filed with the county auditor, as provided in section four thousand and seventy-two, in all such districts not covered by the provisions of section four thousand and ninety-three.

Boards of city  
districts of  
of second  
class and village  
districts.

SEC. 2. That section four thousand and eighty-one of the revised statutes, as amended by an act to amend section four thousand and eighty-one, passed February 12, 1880, and section four thousand and eighty-four of the revised statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 24, 1881.

[Substitute for Senate Bill No 256 ]

## AN ACT

To amend sections one thousand two hundred and fifty-five and one thousand two hundred and fifty-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twelve hundred and fifty-five and twelve hundred and fifty-six be so amended as to read as follows:

Indexes of judgments not dormant to be prepared.

Section 1255. The clerks of the several common pleas districts and superior courts shall make an alphabetical index of the names of all plaintiffs and defendants to pending suits and living judgments, showing thereon in separate columns the names, court, and number of the suit or execution, and when there is more than one suit or judgment, for or against the same party, it shall be sufficient to index the name but once, and make entries opposite thereto of the court and number of the suit or execution: provided, that no such index shall be made in counties where the same has already been done.

Such indexes to be compiled within six months from passage of this act.

Section 1256. The index required by the preceding section shall be made up within six months from the passage of this act, and thereafter all new suits shall be so indexed at the time of filing the petition, and all judgments at the time of the rendition, revival, or the filing of a transcript thereof.

SEC. 2. That this act shall take effect and be in force from and after its passage, and that said original sections one thousand two hundred and fifty-four, one thousand two hundred and fifty-five, and one thousand two hundred and fifty-six of the revised statutes be repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

[House Bill No. 533.]

## AN ACT

To amend section two thousand nine hundred and twenty-six of the revised statutes of Ohio, as amended by the act passed April 17, 1880. [Vol. 77. O. L., p. 312 ]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand nine hundred and twenty-six of the revised statutes of Ohio, as amended by the act passed April 17, 1880, be amended to read as follows:

How wards and precincts, in Cincinnati and Cleveland divided

Section 2926. In cities of the first grade of the first-class, when at any election more than six hundred ballots are cast in any ward, or in any voting precinct of any ward, the council shall divide such ward or such voting precinct into two or more voting precincts, whenever occasion may arise; and, upon failure so to do, the

mayor of such city shall perform such duty; but in any city of the first and second grades of the first class the council thereof may at any time divide any ward into as many voting precincts as said council may deem proper.

SEC. 2. That said act of April 17, 1880, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1881.

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[House Bill No. 612.]

AN ACT

To amend section seven thousand three hundred and thirteen of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven thousand three hundred and thirteen of the revised statutes of Ohio be amended so as to read as follows:

Section 7313. The court may discharge a jury, without prejudice to the prosecution, for the sickness of a juror, the corruption of a juror, or other accident or calamity, or because there is no probability of the jurors agreeing, and the reason for the discharge shall be entered on the journal.

For what  
cause court  
may discharge  
a jury.

SEC. 2. That said original section seven thousand three hundred and thirteen is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1881.

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[Amended House Bill No. 372.]

AN ACT

To amend section six thousand seven hundred and ninety-seven (6797), seven thousand four hundred and twenty-seven (7427), and seven thousand four hundred and thirty-two (7432) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said sections be amended so as to read as follows:

Section 7427. In the treatment of prisoners, the following general rules shall be observed:

**Rules for treatment of prisoners.**

1. Each convict, when received at the penitentiary, shall be washed and cleansed, and shall remain in separate lodgings until it is certified by the physician that he may be safely admitted among other prisoners; the clothes which a convict wears on his arrival at the penitentiary, shall either be burnt or carefully fumigated and put away, at the discretion of the warden; and if they are preserved, they shall be restored to the owner at the expiration of the term of his confinement.

**Food and clothing for prisoners.**

2. Each convict shall be provided with a bed of straw, or other suitable material, and sufficient covering; with garments of coarse material, suited for the different seasons of the year; and with wholesome and nutritious food, of such variety as may be most conducive to health.

**Sentence of solitary confinement.**

3. If a prisoner is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the board to modify it so far as may be necessary to prevent any serious injury to health; and no unnecessary labor shall be required of any convict on Sunday.

**How punishment inflicted.**

4. No punishment shall be inflicted, except by the order and under the direction of the warden or deputy warden; and it shall be unlawful to use any cruel or unusual mode of punishment.

**Moneys of prisoners how disposed of.**

5. All money in possession of a prisoner when delivered at the penitentiary, shall be properly entered on the clerk's books, and receipted for on the commitment by the warden, in the presence of the prisoner, and also all money paid to the prisoner during his confinement, shall be entered on the clerk's books, all of which money, so received of such prisoner, if not otherwise disposed of by the prisoner, shall be returned to the prisoner when discharged.

**Rules to be hung up in cell and shop.**

6. The rules and regulations prescribing the duties and obligations of the prisoners, shall be printed and hung up in each cell and shop.

**What clothes prisoner to receive when discharged.**

7. Each convict, when he leaves the penitentiary, shall receive a suit of citizen's clothing, suitable for the season in which he is discharged, and, except in the summer season, a suit of under-clothing.

**Convict incompetent to be an elector, or juror, unless pardoned or restored to citizenship.**

Section 6797. A person convicted of felony shall, unless his sentence be reversed or annulled, be incompetent to be an elector or juror, or to hold any office of honor, trust, or profit in this state; the pardon of a convict shall effect a restoration of the rights and privileges so forfeited, or they may be restored as provided in section seven thousand four hundred and thirty-two; but a pardon shall not release a convict from the costs of his conviction, unless so stated therein.

**Daily record of behavior of prisoner.**

Section 7432. In order that good behavior may be properly rewarded, the board shall provide in its rules and regulations for a correct daily record of the conduct of each convict, and his fidelity and diligence in the performance of his work; and each convict who is sentenced for a term other than for life, shall be entitled to diminish the period of his sentence and be restored to the rights and privileges forfeited by his conviction, under the following rules and regulations:

**Sentence shortened by good behavior.**



1. (a). For each month, commencing on the first day of his arrival at the penitentiary, during which he has not been guilty of a violation of discipline, or of any of the rules of the prison, and has labored with diligence and fidelity, he shall be allowed a deduction of five days from the period of his sentence.

(b). After he has passed one full year of his sentence, in which he has not been guilty of a violation of discipline, or any of the rules of the prison, and has labored with diligence and fidelity, the deduction shall be seven days from the period of his sentence, for each month.

(c). After he has passed two full years of his sentence, as above provided, the deduction from his term shall be nine days for each month.

(d). After he has passed three full years of his sentence, as above provided, the deduction from his term shall be ten days for each month.

2. For a violation of the rules and discipline, or for a want of fidelity and care in the performance of work, he shall not only forfeit all gained time for the month in which the delinquency occurs, but, according to the aggravated nature or the frequency of his offenses, the board may deduct a portion or all of his time previously gained, but the board may review the conduct record of a convict, and if it appear that any violation of the rules and discipline was committed through ignorance, or circumstances beyond his control, or abuse by an officer, may restore him to the standing he possessed before such violation.

Convict to forfeit time by violation of rules.

3. If he pass the entire period of his sentence without a violation of the rules and discipline, except such as the board excuse in pursuance of the preceding clause, the rights and privileges forfeited by his conviction shall thereby be restored, and he shall receive from the governor a certificate, under the great seal of the state, as evidence of such restoration, to be issued upon presentation to the governor of a certificate of such conduct, which shall be furnished to such convict by the warden.

Convicts not violating rules may be restored to citizenship upon discharge.

4. A convict who is not entitled to a restoration of the rights and privileges forfeited by his conviction, as provided in the preceding clause, who has conducted himself in an exemplary manner for a continuous period of not less than twelve consecutive months succeeding his discharge, and presents to the governor a certificate of that fact, signed by ten or more good and well-known citizens of the place where he has resided during such period, certified to be such by the probate judge of the county wherein they reside, and whose signatures are certified by such judge to be genuine, shall be entitled, in consideration thereof, to a restoration of the rights and privileges forfeited by his conviction, which restoration shall be evidenced by a certificate of the governor, under the great seal of the state.

May be restored after discharge, how and when.

5. If a convict be prevented from laboring, by sickness or other infirmity not intentionally produced by himself, or by other cause for which he is not responsible, he shall be entitled, by good conduct, to the same deduction from his sentence each month, as above provided for; and the board shall allow him a sum of money

Sick prisoner to be allowed money to defray his expenses home.

sufficient to defray all his necessary expenses to the county where he was convicted, together with five dollars in money.

SEC. 2. That said original sections six thousand seven hundred and ninety-seven, seven thousand four hundred and twenty-seven, and seven thousand four hundred and thirty-two be and the same are hereby repealed, and this act shall take effect upon its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 31, 1881.

[House Bill No. 696.]

### AN ACT

To amend section four thousand eight hundred and thirty-six of the revised statutes of Ohio, as amended April 16, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand eight hundred and thirty-six of the revised statutes of Ohio, as amended April 16, 1880, be amended to read as follows:

Proceedings  
when report  
of viewers of  
two-mile as-  
sessment pike  
is filed.

Section 4836. When the report is filed, the commissioners shall, unless such report shows that there is no public necessity for the contemplated improvement, enter on their records an order that the improvement be made, which order shall state the kind of improvement, the width, the extent of the same, and the lands which shall be assessed for the expenses thereof; but such order shall not be made until a majority of the resident landowners of the county whose lands are reported as benefited and ought to be assessed, and in counties containing a city of the first grade of the first-class, in addition to such landholders, a majority in interest of the persons whose lands abut upon said proposed improvement, subscribe the petition mentioned in section four thousand eight hundred and thirty-one; in determining such majorities minor heirs shall not be counted for or against the improvement, unless represented by legal guardian, and the action of such guardian shall be binding upon such minor heirs; and all heirs or owners, either adults or minors, to any undivided estate, shall only be entitled to one vote for or against such improvement.

SEC. 2. That section four thousand eight hundred and thirty-six of the revised statutes of Ohio, as amended April 16, 1880, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 31, 1881.

[House Bill No. 774.]

## AN ACT

To amend sections five thousand five hundred and thirty and five thousand five hundred and thirty-four of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections five thousand five hundred and thirty, and five thousand five hundred and thirty-four of the revised statutes of Ohio be amended so as to read as follows:

Section 5530. When the plaintiff, his agent or attorney, makes oath, in writing, that he has good reason to believe, and does believe, that any person, partnership, or corporation in the affidavit named, has property of the defendant in his possession, describing the same, if the officer cannot get possession of such property, he shall leave with such garnishee a copy of the order of attachment, with a written notice that he appear in court and answer, as provided is section fifty-five hundred and forty-seven; and if the garnishee does not reside in the county in which the order of attachment was issued, the process may be served by the proper officer of the county in which the garnishee resides, or may be personally served.

Service of  
garnishee.

Section 5534. If the garnishee is a person, the copy of the order and notice shall be served upon him personally, or left at his usual place of residence; if a partnership garnisheed by its company name, they shall be left at its usual place of doing business, and if a corporation they shall be left with the president or other principal officer, or the secretary, cashier, or managing agent thereof; and if such corporation is a railroad company, they may be left with any regular ticket or freight agent thereof, in any county in which the railroad is located.

How gar-  
nishee served.

SEC. 2. Original sections five thousand five hundred and thirty and five thousand five hundred and thirty-four are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1881.

[House Bill No. 852.]

## AN ACT

Concerning villages adjoining each other on opposite sides of a line of railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever two villages adjoin each other on opposite sides of the line of any railroad in any county containing a city of the first grade of the first-class, the boundary line between such

Defining  
boundary line  
between vil-  
lages adjoin-  
ing each other  
on opposite  
sides of rail-  
road, and their  
separate juris-  
diction.

villages shall be along the middle of the right of way of said rail-  
road, each one of said villages shall have jurisdiction over the  
entire width of the right of way for the punishment of all violations  
of ordinances of said village along the said boundary line.

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1881.

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[House Bill No. 807]

#### AN ACT

To amend section four thousand eight hundred and ninety-eight of the revised  
statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of  
Ohio,* That section four thousand eight hundred and ninety-eight  
of the revised statutes of Ohio be amended to read as follows:

Duties of  
directors of  
improved  
roads.

Section 4898. They may appoint suitable persons to superin-  
tend the work of repairs on the several roads, who shall be required  
to give bond and security to the satisfaction of the commissioners  
for the faithful performance of their duties, and take and subscribe  
an oath also, which shall be endorsed on the back of the bond,  
and the same shall be filed in the auditor's office of the county.  
The auditor of the county shall serve as clerk of the board, and  
shall record the proceedings of the board in a book to be provided  
for such purpose by the county commissioners, which shall be open  
for examination to all persons interested; and they shall cause  
notice to be published in at least one newspaper of general circu-  
lation in the county, of such rules as may be adopted for the regu-  
lation of labor and travel on such roads. Notice of the regular  
meetings of the board, and, on or before the second Tuesday of  
April in each year, a statement of receipts and expenditures, in  
detail, for the year.

SEC. 2. That said original section four thousand eight hundred  
and ninety-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1881.

[House Bill No. 601.]

## AN ACT

Supplementary to title one, division three, chapter two, sub-division one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to the above title of the revised statutes of Ohio, with sectional numbering as herein provided:

Section 5189a. The county commissioners of each county, having a city of the first or second grade of the first class, shall provide and place in the custody of the clerk of such county a wheel so constructed and arranged that by turning the same the pieces of paper hereinafter mentioned may be thoroughly mixed, and that the names upon such pieces of paper cannot be read or seen until withdrawn from such wheel.

County commissioners in certain counties to provide wheel for names of jurors.

Section 5189b. In any county, containing a city of the first grade of the first-class, before the second Monday of May, of each year, the judges of the court of common pleas, and of the superior court in joint session, shall appoint three electors of such county, no one of whom shall be an attorney-at-law, to be commissioners of juries for said county; and a record of such appointment shall be made upon the journal of each of said courts; said commissioners shall, before entering upon a discharge of their duties, appear in said court of common pleas, and take an oath of office, as follows:

How commissioners of juries appointed in Hamilton county.

"I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of commissioner of juries without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror. And this I do as I shall answer unto God, (or "and this I do under the pains and penalties of perjury").

Oath of such commissioners.

On the second Monday in May, in each year, such commissioners, or in any county containing a city of the second grade of the first class, the persons then respectively holding the office of clerk of the court of common pleas, county treasurer, and county auditor shall meet in the office of the auditor of such county, at ten o'clock in the forenoon, and shall there select from such judicious and discreet persons, having the qualifications of electors, such number as shall be in the ratio of one to every sixty of the population of such county, at the last federal census, to be selected as nearly as may be from the several wards and townships, in proportion to their respective population; but no person shall be so selected who shall not be, in the judgment of all of said commissioners, or said officers, competent in every respect to serve as a juror; that after said commissioners, or said officers, shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid, shall be written by the county clerk on separate pieces of paper, which shall be put into said

Who to act as such commissioners in Cuyahoga county.

How names of jurors selected.

wheel, and securely locked therein in the presence of said commissioners, or said officers; and said commissioners, or said officers, shall also, at the same time, make and sign a certificate containing all of said names which they shall certify to be the names of the persons selected at the time and place aforesaid, to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificate shall be filed with said clerk. Said wheel shall be securely locked at all times, except when, by order of court, it shall be necessary to put names into it, or to draw them from it in the manner herein provided; and if any person shall unlock or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not more than one thousand dollars, nor less than five hundred dollars, and imprisoned not more than one year nor less than three months. If either of the commissioners, or of the officers mentioned in this section of this act, shall be sick or absent from the county, any judge of the court of common pleas may appoint some judicious and disinterested person to take the place of such officer in making the selection herein provided for; whenever it shall become necessary, said commissioners, or said officers, shall meet at such time and place as the court of common pleas may appoint, and shall there select such number of persons as the said court may, by its order direct, and the names of such persons shall be selected, written, and deposited in said wheel, and certified to as hereinbefore specified. But nothing herein contained shall abridge the right of any party to a struck jury, as provided by law.

• How attempt to influence officers in selecting venire punished.

Section 5189c. If any person shall attempt, by request, hint, or suggestion, to influence said officers, or any of them, to select or not to select himself or any other person or persons as aforesaid, he shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not more than twenty days, or both, in the discretion of the court.

How grand and petit jurors drawn and venire issued.

Section 5189d. Whenever the clerk of any county shall be directed by the order of any court of record therein, or any judge in vacation, to cause any number of persons to be summoned to serve as grand or petit jurors in such court, he shall at once, in the presence of the sheriff and the court, or a judge thereof, proceed to turn said wheel until said pieces of paper are thoroughly mixed, and shall then draw therefrom the number of names specified in such order, and shall forthwith, unless otherwise directed by said court or judge, issue a venire facias to the sheriff, commanding him to summon the jurors whose names were so drawn, to attend as jurors at the time and place specified in said order, and all grand and petit juries shall be impaneled from persons so selected and summoned as aforesaid.

How jurors to be summoned.

Section 5189e. The sheriff receiving such venire facias shall forthwith summon such persons by reading the same in their presence, or by leaving at their usual place of abode a note or memo-

random, substantially as follows, to wit: I am commanded to summon you, \_\_\_\_\_, to appear before the (insert the name of the court), to be holden in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at ten o'clock A.M., to serve as a juror; and shall indorse on the venire facias the names of the jurors and the time when summoned, and return the same to the clerk of said court on the first day of its session.

The sheriff's return.

Section 5189f. If there shall be impaneled for the trial of any case, any petit juror who has been convicted of any crime, which by law renders him disqualified to serve on a jury, or who has an interest in the cause, or who has an action depending between him and either party, or who has formerly been a juror in the same cause, or who is either party's employer, employe, counsellor, agent, steward, or attorney, or who is subpoenaed in good faith in the cause as a witness, or who is akin to either party, or to his attorney, or who is a party to another action then pending in any court in which any attorney in the cause then on trial, is an attorney either for or against him, he may be challenged for cause, and in either of said cases, the same shall be considered as a principal challenge, and the validity thereof tried by the court; and any petit juror who shall be returned for the trial of any cause, and against whom no principal cause of challenge can be alleged, may, nevertheless, be challenged on the ground of prejudice against, or partiality for either party, or for want of a competent knowledge of the English language, or any other cause that may render him, at the time, an unsuitable juror, and the validity of such challenge shall be determined by the court, and each party may peremptorily challenge two jurors.

For what cause juror may be challenged.

Challenge on ground of prejudice or ignorance.

Peremptory challenges.

Section 5189g. A challenge to the array may be made, and the whole set aside by the court, when the jury, grand or petit, shall not have been selected, drawn, or summoned, or when the officer executing the venire facias shall not have proceeded as prescribed by law, or for the misnomer of a juror or jurors, but such challenge shall only be made before the jury is impaneled and sworn, and no indictment shall be quashed or set aside for any such irregularity or misnomer, if the judges [jurors] finding the same possess, in fact, the required qualifications to act as jurors.

When challenge to the array may be made.

Section 5189h. When the sheriff is interested in any cause in any court of record, the party in interest opposed to that of the sheriff, may apply to the court, which, upon such application, shall direct a special venire facias to the coroner of the county, commanding him to summon a jury having the qualifications hereinbefore prescribed, to try such cause, and where both the sheriff and coroner are interested as aforesaid, or in case of death, resignation, or absence from the county of both sheriff and coroner, then, and in either of such cases, the process may be directed to such discreet, disinterested person as the court may name, and the service and return of such person shall be valid to all intents and purposes.

When sheriff is interested, special venire may be directed to coroner.

When both sheriff and coroner are interested, to whom directed.

Section 5189i. The court, when of opinion it is proper for the juror to have a view of the property, which is the subject of litigation, or of the place in which any material fact occurred, may

Jury may view place or property.

order them to be conducted in a body under the charge of an officer to the place, which shall be shown them by a person appointed by the court for that purpose; and while the jurors are thus absent, no person other than the person so appointed shall speak to them on any subject connected with the trial.

Penalty where juror refuses to serve.

Section 5189j. If any person summoned as a juror, shall, without reasonable or lawful cause, to be judged of by the court, refuse to serve, he shall be fined in any sum not exceeding thirty dollars, as for a contempt of court. And if any juror, after being qualified, shall willfully refuse or neglect to obey, or observe any order or injunction of the court, he may be fined as for contempt, in any sum in its discretion not exceeding one thousand dollars; and any fines so assessed may be collected by execution, and shall be paid into the county treasury, and disbursed as other fines.

No person required to serve as juror more than three weeks in any year.

Section 5189k. No person shall be required to serve as a juror more than three weeks in any one year, beginning with the last Monday of April; and after any person shall have served two weeks in any such year, the court shall, on motion, discharge him from further service; provided, however, that nothing herein contained shall entitle or require any juror to be discharged from the grand jury during its session, or from a petit jury during the trial of a cause; and, provided further, that all courts shall so arrange and conduct the witnesses as to require the attendance of jurors upon its business during as short a time as possible.

Who exempt from serving on juries.

Section 5189l. Active members of fire-engine companies, hook and ladder companies, or other companies for the extinguishment of fires, during the time they may continue such active members; active and contributing members of all military companies and batteries, and all clergymen and priests, physicians, attorneys-at-law, and all public officers, while in office, shall be exempt from serving on juries.

Fees of jurors.

Section 5189m. Each grand and petit juror shall be allowed the sum of two dollars per day for each and every day he may serve, and five cents per mile from his place of residence to the county seat, and the compensation of such juror shall be certified by the clerk of the court, and the compensation so certified shall be paid by the county treasurer on the order of the county auditor.

Saving as to juries drawn under former acts.

SEC. 2. Nothing in this act contained shall be construed to affect any action, prosecution, or other proceeding at law, of whatever nature, in which a jury has been or may hereafter be drawn before the time for the drawing of juries under the provisions of this act, and as to such actions, prosecutions, or proceeding the statutes in force at the date of the passage of this act shall continue applicable, subject to such saving the acts following, to wit:

Repeals.

The act of May 7, 1877, entitled "an act supplementary to the act entitled 'an act relating to juries,'" passed April 26, 1873; also, an act entitled "an act to amend section two of the act entitled 'an act relating to juries,'" passed April 26, 1873; passed March 9, 1876; also, the act entitled "an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named,"



passed April 8, 1876," and the act of March 29, 1880, entitled "an act to amend sections six, twelve, and fourteen of an act entitled 'an act supplementary to the act entitled an act relating to juries,' passed April 26, 1873; also, an act entitled "an act to amend section two of the act entitled "an act relating to juries," passed April 26, 1873; passed March 9, 1876; also, the act entitled "an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876, and section four hundred and ninety-nine of the revised statutes of Ohio are hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1881.

[House Bill No. 645]

AN ACT

Authorizing certain counties to build railroads, and to lease or operate the same.

[MUSKINGUM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any county having a population exceeding forty-four thousand inhabitants, the county commissioners thereof shall, by a resolution passed by a majority of the members of said board of commissioners, declare it to be essential to the interests of such county that a line of railway, to be named in said resolution, should be provided between termini designated therein, neither of which shall be without the boundaries of said county, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to use as a fund for that purpose, not to exceed the sum of one hundred and fifty thousand dollars, to be provided by the county commissioners: provided, that no money shall be so used until after the question of providing the line of railway, specified in the resolution, shall be submitted to a vote of the qualified electors of said county, at a specified election, to be ordered by the county commissioners thereof, of which not less than twenty days' notice shall be given in each of the daily and weekly newspapers printed and published at the county seat of such county; and further provided, that a majority of said electors voting at said election shall decide in favor of said line of railway, the returns of said election shall be made to the clerk of the court of common pleas of said county, and by him laid before the county commissioners of the county, who shall declare the result by a resolution.

Trustees may  
borrow money  
for railway.

The money to  
be used until  
question sub-  
mitted to a  
vote.

Notice of  
election.

When returns  
of elections to  
be made.

SEC. 2. If such county shall own any stock in any railroad company, or other corporation, or shall have in the county treas-

Stock owned  
in other rail-  
roads may be  
sold and pro-  
ceeds applied  
to road pro-  
vided for  
herein.

ury any money, the proceeds of any such stock that has been or shall be sold by order of the county commissioners, the commissioners of such county may sell said stock, or any part or parts thereof, and transfer the proceeds of such sales, and any moneys in the county treasury, not to exceed the sum of one hundred and fifty thousand dollars, the proceeds of any sales of such stock at any time owned by such county to the board of trustees referred to in section one (1) of this act, who shall be responsible for the expenditure of all of said moneys, and shall apply them towards the construction of said line of railway and the payment for rights of way necessary therefor: provided, that this section shall not apply to any stock, or to the proceeds of any stock that by any law now in force is required to be applied to any other specific purpose.

How trustees  
appointed,  
their bond,  
etc.

SEC. 3. If a majority of the votes, cast at the election, provided for in section one (1) of this act, shall be in favor of providing the line of railway as specified in said first section, it shall be the duty of the prosecuting attorney of the county to forthwith file a petition in the court of common pleas of the county, praying that the judge holding said court will appoint five trustees, to be called trustees of the railway; and it shall be the duty of said judge to make the appointment, and to enter the same on the minutes of the court. They shall enter into bond to the state of Ohio for the use of the county, in such sum as said judge may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the treasurer of the county for safe keeping.

Trustees to  
control and  
disburse  
funds.

SEC. 4. The said trustees and their successors shall be the trustees of the said funds, and shall have the control and disbursement of the same. They shall expend said funds in procuring the right to construct, and in constructing a single or double track railway, with all the usual appendages, and may include a line of telegraph between the termini specified in the said resolution; and for the purposes aforesaid, shall have power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of same in aid of said fund, but the conditions, if any, in any donation shall be observed in such disposal.

May receive  
donations of  
land, money,  
etc.

Organization  
of board.

SEC. 5. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their office in the county seat of the county, but they may adjourn from time to time, to meet at any time and place they may think proper. They shall keep a record of their proceedings, and they shall cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the county auditor annually, and also, whenever requested by a resolution of the county commissioners. No money

Quorum,  
meetings, etc.

To keep ac-  
count of re-  
ceipts and dis-  
bursements,  
and report  
annually to  
county aud-  
itor.

shall be drawn from said funds but upon the order of said board, except their own compensation, which shall be paid out of the same upon the allowance of the court appointing them, and shall be proportioned according to their respective services.

SEC. 6. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Trustees to  
take security  
from agent or  
contractor.

SEC. 7. Whenever the prosecuting attorney of any county, under whose action a board of trustees has been appointed as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board, from any cause, it shall be filled in like manner. If said prosecuting attorney shall fail to make application, in either of the foregoing cases, after request of any tax-payer of the county, such tax-payer may file a petition in his own name in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, he shall be allowed, as part of his cost, a reasonable compensation to his attorney.

Trustees, how  
removed.

SEC. 8. Whenever, in the construction of a line of railway as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or piers of any bridge across any stream within this state, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the statutes of Ohio then in force regulating the procedure for the appropriation of private property for the use of the public (or of corporations as the case may be) and providing for compensation to the owners of private property appropriated for such public or corporate use; except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

Lands may be  
appropriated—proceedings.

SEC. 9. Whenever there shall be between the termini designated in any resolution, passed under this act, a railroad, or part of a railroad already partially constructed, or rights of way acquired therefor, which (or any part thereof) can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase the said railroad, or any such part thereof, and said rights of way, or any part thereof, or either, and pay for the same out of the trust fund.

May appropriate road  
partially constructed.

SEC. 10. The said trustees shall have power, as fast as portions of the line for which they are trustees, are completed, to rent or lease the right to use and operate such portions upon such terms as they may deem best; but such rights shall cease and determine on the final completion of the whole line; when the right to use and operate the same, shall be leased by them to such person or company, as will conform to the terms and conditions, which shall

Trustees may  
rent or lease  
right to use or  
operate same.

be fixed and provided by the county commissioners of the county by which the line of railroad is owned.

County commissioners may appropriate money to pay expenses of election.

SEC. 11. The county commissioners of any county passing a resolution as provided in the first section of this act, may appropriate and pay to the said trustees out of the general fund of said county such sum as may be necessary for defraying the expenses of the election, and said sum shall be repaid out of said trust fund when raised.

SEC. 12. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 1, 1881.

[Substitute for Senate Bill No. 248.]

AN ACT

To amend section seven hundred and ten, and to repeal section seven hundred and fifteen of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven hundred and ten (710) of the revised statutes be so amended as to read as follows:

Superintendent to report death, escape, etc., to probate judge.

Section 710. The superintendent shall, immediately after the removal, death, escape, or discharge of any patient or return of an escaped patient, report the same to the probate judge of the county from which such patient was committed, and in case of death he shall notify one or more of the nearest relatives of such deceased patient, if known to him, either by letter or telegraph, as to him may seem best, and if the place of residence of such relatives is unknown to the superintendent, the probate judge, immediately upon receiving notification, shall in the speediest manner possible, notify such relations, "if known to him," and when a patient is discharged as cured, the superintendent may furnish such patient with suitable clothing and a sufficient sum of money to pay the actual traveling expenses of such patient to the township in the county from which he or she was sent, not in any case exceeding twenty dollars.

When patient discharged superintendent may furnish clothing.

SEC. 2. That original section seven hundred and ten (710) and seven hundred and fifteen (715) be and they are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

[House Substitute for Senate Bill No. 346.]

## AN ACT

To authorize the construction of avenues in counties containing a city of the second grade of the second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county containing a city of the second grade of the second class companies may be incorporated for the purpose of constructing avenues in the counties where they are organized; such avenues shall be opened not more than one hundred feet in width, at least sixty feet of which shall be cleared of all obstructions, and not less than thirty feet shall be made an artificial road, compound of stone, gravel, or other suitable material, well compacted together, in such manner as to secure a firm and substantial road, and shall not be less than one mile in length, and they may enter upon and appropriate any lands for the use of such avenue, according to the provisions of the statutes for the appropriation of private property by corporations.

Avenue companies may be incorporated in certain counties.

May appropriate lands.

SEC. 2. When any such company completes not less than one mile of any such avenue to the acceptance of the county commissioners, or when the whole of any such avenue is completed to such acceptance by any such company, the company may erect a toll-gate thereon for the collection of such tolls as turnpike companies are allowed by law to collect.

May erect toll-gates.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1881.

[Senate Bill No. 367.]

## AN ACT

To authorize certain cities to construct machine-shops, and issue bonds therefor.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any municipal corporation, which by the federal census of 1870, had, and those which by any subsequent census may have a population of thirty thousand four hundred and seventy-three, is hereby authorized to contract for and construct, within the corporate limits of such city, machine-shops and purchase real estate therefor, and for that purpose to issue bonds to the amount of eighty-five thousand dollars, in such denominations and payable at such times as the city council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of

such city, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. That any such city may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction of machine-shops; but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such city, in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That such city council is hereby authorized to lease said shops, with or without the grounds upon which the same may be built, or to be built, for such terms, conditions, and reservations as may by it be determined by resolution, or such city council may sell and convey said shops, with or without the ground upon which the same are built, or contracted to be built, for such consideration, and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by such city council until thereto authorized by a vote of the qualified electors of such city, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such city, upon the passage of a resolution by such city council for that purpose, shall give notice of the time of holding such election, which shall be published in all the daily and tri-weekly newspapers published in such city, whether English or German, at least fifteen days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such city. The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such city, who, with the president of the council, shall at any regular or special meeting of the city council, proceed to canvass such vote; and the city clerk shall enter the number of votes cast for and against said proposition in each ward and voting precinct, and of the aggregate number of votes for and the number of votes against such proposition in such city; and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such city council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such city council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election shall have written or printed thereon the words "Machine-shops—Yes;" "Machine-shops—No."

SEC. 5. That the resolution of such city council herein provided for shall forthwith be entered by the city clerk, upon the ordinance-book of such city, and shall take effect upon the passage, without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such city, be signed by the

mayor, countersigned by the clerk, and attested by the seal of such city; and the city council is hereby authorized to levy, in addition to the amount of tax now limited by law, such tax upon the taxable property of such city, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1881.

[House Bill No. 762.]

#### AN ACT

To amend section seven thousand six hundred and fifty-seven of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven thousand six hundred and fifty-seven of the revised statutes be amended so as to read as follows:

Section 7657. The office of chief engineer of the public works is hereby created, and said officer shall be appointed by the governor, with the consent of the senate; he shall be a practical civil engineer and shall hold his office for the term of two years, unless the state re-leases the public works. His salary shall be at the rate of two thousand dollars per annum, to be paid monthly out of the canal fund, after the services are rendered, upon the order of the board of public works, and upon the warrant of the auditor of state; and he shall give bond, with good and sufficient surety, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, and shall take an oath of office similar to that prescribed in section three for the officers therein named. He shall, under such rules and regulations as the board of public works may prescribe, have supervision and oversight of the several resident engineers, superintendents, and other officers, and report delinquencies when they occur. The chief engineer shall have general supervision, under the direction of the board, of all the public works belonging to the state. The board of public works shall appoint one resident engineer for each grand division of the public works: Each resident engineer shall be subject to the direction of the chief engineer, and shall have supervision of such portion of said works as may be assigned to him by the board. Said resident engineer shall be subject to such rules and regulations, not contrary to law, as may be from time to time prescribed by said board, and the respective terms of office of said resident engineers shall commence annually on the second

Chief engineer, how appointed.

Salary.

His bond and oath.

Shall have supervision of resident engineers and other officers.

Board to appoint resident engineers.

Their term of office. Tuesday of February. The salary of resident engineers shall be one thousand two hundred dollars per annum during the time the state has possession of the public works, and nine hundred dollars per annum thereafter, and paid on the check of the acting commissioner of the division where said resident engineer may be located. Said board shall have power to regulate the rate of tolls to be collected on the public works of this state, and to appoint collectors of the same, together with water rents and fines, at such points as shall have been or may be established for the collection of tolls as hereinafter provided, and said collectors shall be governed by such rules and regulations as the said board may prescribe, not inconsistent with law. Said board of public works shall have power to appoint one secretary, who shall be paid monthly, after the services are rendered, upon the order of the board, on the warrant of the auditor of state. The board shall also have power to appoint an additional clerk, if necessary, at a cost not exceeding seven hundred dollars per annum. They shall also have power to appoint superintendents of repairs, not exceeding nine in number, and assign them to such districts or divisions of the public works, as in the judgment of the board may be proper to assure the efficient management, repair, and preservation of said public works, and also to appoint the necessary number of lock-tenders and other employes, and assign them to posts of duty under such rules and regulations as may be prescribed for their government. Each engineer, collector of tolls, and superintendent shall, before he enters upon the discharge of his duties as such, give bond to the state of Ohio in such sum as the board of public works may require, conditioned for the faithful discharge of the duties of his office, and the proper accounting for all moneys coming into his hands as such officer, which bond, with sufficient security, approved by the board, shall at once be deposited with the auditor of state, together with the oath or affirmation of such officer that he will faithfully and diligently discharge all the duties appertaining to his office, and promote, to the extent of his ability, the interest of the state so far as may be legally in his power. Said oath shall be taken before an officer having the power to administer oaths, and shall be certified and attested by such officer in duplicate certificates, one of which shall be filed in the office of the board of public works, and the other in the office of the auditor of state. The secretary, each collector of tolls, superintendents of repairs and lock-tenders, and other necessary employes, shall be appointed during the pleasure of the board of public works, and may be removed from office or employment at any time when, in the judgment of the board, the public interests will be promoted thereby. The board shall fix the rate of salaries to be paid monthly out of the canal fund, upon the order of the board of public works, on the warrant of the auditor of state, to the collectors, superintendent, lock-tenders, and other necessary employes, not exceeding the number employed by the lessees during the year 1877, grading the same according to the services and labor to be performed in each case; but in no

Board shall regulate tolls, fines, water-rents, and appoint collectors.

Secretary of board.

Additional clerk.

Superintendent of repairs, lock tenders, etc.

Engineers, collectors, and superintendents to give bond and take oath.

Board to fix salaries of certain officers.



case shall the salaries exceed the amount paid by the lessees of the public works in the year 1877 for similar services. All vacancies that may occur by reason of death, resignation, or otherwise, in the corps of engineers, shall be filled for the unexpired portion of the term by the board of public works in the same manner as appointments are made for the full term, and the officer appointed for the part of the term shall be paid ratably a due proportion of the salary herein provided, and no more.

Vacancies,  
how filled.

SEC. 2. That original section seven thousand six hundred and fifty-seven be and the same is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1881.

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[House Bill No. 544]

AN ACT

To amend section four thousand one hundred and sixty-two of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand one hundred and sixty-two of the revised statutes of Ohio be amended to read as follows:

Section 4162. When the relict of a deceased husband or wife shall die intestate and without issue, possessed of any real estate or personal property which came to such intestate from any former deceased husband or wife by deed of gift, devise, or bequest, or under the provisions of section forty-one hundred and fifty-nine, then such estate, real and personal, shall pass to and vest in the children of said deceased husband or wife, or the legal representatives of such children. If there are no children or their legal representatives living, then such estate, real and personal, shall pass and descend, one-half to the brothers and sisters of such intestate, or their legal representatives, and one-half to the brothers and sisters of such deceased husband or wife from which such personal or real estate came, or their personal representatives.

Descent of  
estate which  
came by for-  
mer husband  
or wife.

SEC. 2. Section forty-one hundred and sixty-two of the revised statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1881.

[House Bill No. 904.]

## AN ACT

Combining the office of marshal and street commissioner in certain incorporated villages.

[MCARTHUR]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of incorporated villages having a population of nine hundred and seven, at the last federal census, may, by ordinance of said village, provide that the marshal of said village, shall in addition to his duties prescribed by law, perform the duties of street commissioner, and that no other street commissioner shall be elected or appointed in said village.

SEC. 2. For his services the marshal shall receive such just compensation as may be fixed by the council of said village.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 965.]

## AN ACT

To amend section four thousand nine hundred and fifty-seven of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand nine hundred and fifty-seven of the revised statutes of Ohio be so amended as to read as follows:

Books to be  
kept by clerk.

Section 4957. The clerk of the court of common pleas, shall keep at least five books, to be called the appearance docket, trial docket, journal, record, and execution docket, and an index to each, direct and reverse.

SEC. 2. The said original section four thousand nine hundred and fifty-seven is hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 660.]

## AN ACT

To amend section five thousand one hundred and seventy of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand one hundred and seventy of the revised statutes of Ohio be so amended as to read as follows:

Section 5170. If any person selected as a grand or petit juror, as aforesaid, be not summoned, or if summoned, be excused from serving at the term to which he is summoned, his name, unless he is exempt from serving as a juror by law, shall be returned to the box, unless otherwise ordered by the court, and shall remain there until drawn out at some subsequent drawing; and when his name is again drawn he shall serve, unless disabled or excused.

Name of  
juror drawn  
but excused,  
to be returned  
to box.

SEC. 2. That said original section five thousand one hundred and seventy be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

Passed April 8, 1881.

*President pro tem. of the Senate.*

[House Bill No. 579.]

## AN ACT

To amend section twenty of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty of the revised statutes of Ohio be amended so as to read as follows:

Section 20. The state, county commissioners, township trustees, cemetery trustees, the councils, boards or officers of municipal corporations, and the boards of directors, trustees, or other officers of any of the benevolent, educational, penal, or reformatory institutions, wholly or in part under the control of the state, or any of said municipalities or institutions shall be capable of receiving by gift, devise, or bequest moneys, lands, or other properties, for their benefit, or the benefit of any of those under their charge, and to hold and apply the same according to the terms and conditions of the gift, devise, or bequest; but this section shall not be held to affect or change the statutory provisions as to devises or bequests for such purposes.

Gifts, devises,  
and bequests  
may be made  
to public au-  
thorities.

SEC. 2. That said original section twenty be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

Passed April 8, 1881.

*President pro tem. of the Senate.*

[House Bill No 560.]

## AN ACT

To amend section three thousand nine hundred and ninety-five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand nine hundred and ninety-five of the revised statutes of Ohio be amended to read as follows:

Certain  
boards may  
appropriate  
money for  
library, etc.

Section 3995. In any district the board of education may appropriate money from the contingent fund for the purchase of such books, other than school books, as it may deem suitable for the use and improvement of the scholars and teachers of the district, and in the purchase of philosophical or other apparatus for the demonstration of such branches of education as may be taught in the schools of the district, or for either of such purposes; but not more than one-half of the amount herein authorized to be appropriated shall be expended in the purchase of such apparatus; such appropriation shall not exceed, in any one year, twelve hundred dollars in city districts containing cities of the first grade of the first class, three hundred dollars in other city districts of the first class, one hundred and fifty dollars in city districts of the second class, and seventy-five dollars in other districts; and the books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education. The board of education of any city of the second class, fourth grade, having a free public library organized, in pursuance of law, may allow such free public library association the use and control of the public school library, subject, however, to such rules, regulations, and restrictions as said board of education may prescribe for the use and control thereof.

SEC. 2. That section three thousand nine hundred and ninety-five be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 557.]

## AN ACT

To amend section three thousand one hundred and fifty of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand one hundred and fifty of the revised statutes of Ohio be amended to read as follows:

Section 3150. The business of the partnership shall be conducted under a firm name, in which the names of all general

partners shall be inserted, except when there are two, or more than two general partners, the name may consist of the names of either one or more of such partners, with the addition of the words "& Co."; if any special partner permit his name to be used, he shall be deemed a general partner; and the partnership shall put up in a conspicuous place, on the outside and in the front of the building in which it has its chief place of business, a sign, on which shall be placed in legible English letters, all the names in full of all the general partners therein, in default of which no action against the partners shall abate or be dismissed because the plaintiff fails to prove the allegation in his pleadings as to the names and numbers of the members of the firm; but a firm of general partners that have transacted business under one firm name for more than five years, may organize a special partnership to continue the same business, containing any of the same or additional partner or partners, and adopt the firm name before used by such general partnership, subject, however, to the provision of this section requiring such special partnership to put up a sign containing the names in full of all the general partners.

Style of firm name in limited partnership.

SEC. 2. That said original section three thousand one hundred and fifty be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 871.]

AN ACT

To amend section four thousand seven hundred and ninety-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand seven hundred and ninety-six of the revised statutes of Ohio be amended as follows:

Section 4796. When the road commissioners deem they have their road completed in a good substantial manner, by the bridges and culverts thereon having been built, and the road graded and macadamized, they may make application to the board of county commissioners to receive the same; the county commissioners shall, within a reasonable time after the filing of such application, proceed upon actual view to examine the same; and if, upon such examination, it be their opinion that such road is in suitable condition to receive as completed, they may receive the same, and such road may be kept in repair as provided in chapter ten; and when the free turnpike road has been completed and

One mile assessment pike must be accepted by county commissioners.

received by the county commissioners, they shall enter such finding upon their journal, and the county auditor shall certify such finding to the trustees of the several townships through which any part or all of the road runs, giving the name and description of the same; and when such road is paid for, and its bonds and coupons, if bonds have been issued thereon, shall have been redeemed, the road commissioners shall, by order of the county commissioners, cease to be a body corporate.

SEC. 2. That original section four thousand seven hundred and ninety-six be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 302.]

#### AN ACT

To authorize certain townships to purchase certain real estate for railroad purposes, to construct machine-shops, and to issue bonds therefor, and to authorize additional taxation to meet the principal and interest of said bonds.

[MARIETTA TOWNSHIP, WASHINGTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township which by the federal census of 1870 had a population of seven thousand nine hundred and fifteen (7915), is hereby authorized to contract for and construct machine-shops, and purchase real estate therefor, and other purposes connected with operating a railway in said township, and to pay for the same, not exceeding twenty-five thousand dollars (\$25,000).

SEC. 2. That any such trustees of said township, to provide the money for the payment of such real estate, and for the construction of such machine-shops, are hereby authorized to issue the bonds of said township, payable in twenty years, or less, bearing interest at the rate of six per cent., payable semi-annually, and to provide for the payment of said bonds and the interest thereon as herein provided.

SEC. 3. That any such township is hereby authorized and required, for the purpose of paying the interest and principal of said bonds, to levy on the taxable property of said township annually a tax not exceeding eight-tenths of one mill on the dollar of such taxable property, in addition to the tax authorized by law, to be levied by such township, and said tax so levied shall be applied to no other purpose than the payment of the interest and principal of said bonds; provided, that if more money shall be raised in any one year than is required to pay the amount due on said bonds for

that year, the balance shall be set aside and constitute a sinking fund, to be applied to the principal of said bonds whenever the amount of said fund shall equal the sum due on one or more of said bonds.

SEC. 4. That such township is hereby authorized to grant or lease the property so purchased, or part thereof, and the machine-shops so constructed, or part thereof, to one or more railway companies, for railway purposes, upon such terms and conditions as may be agreed upon between such township trustees and such company, or companies.

SEC. 5. That before such purchase is made, bonds issued, or any of the powers herein conferred shall be exercised, such township trustees shall submit the question of the exercise of such powers to the qualified electors of such township, at any general or special election, to be called by said township trustees, by publishing the same in two of the papers published in said township, at least ten days before the day of such election, calling attention to the time and place at which said election will be held, and the object and purpose thereof; the ballots to be voted at such election shall have written or printed thereon the words, "Machine-shops—Yes;" "Machine-shops—No." That the poll-books and tally-sheets of such election shall be forthwith, after the close of said election, returned to the clerk of the court of common pleas, and opened by said clerk, and the result declared as now provided for in the election of justices of the peace, and if it shall appear that two-thirds of the electors voting at said election have voted in favor of said proposition, said township trustees shall exercise any of the powers in this act conferred and authorized.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 8, 1881.

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[Senate Bill No. 207.]

#### AN ACT

To amend section five thousand seven hundred and forty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand seven hundred and forty-one of the revised statutes of Ohio be and the same is hereby amended so as to read as follows:

Section 5741. When the judge has examined into the cause of caption and detention of the person so brought before him, and is satisfied that he is unlawfully imprisoned or detained, he shall

When prisoner shall be discharged on habeas corpus.

forthwith discharge him from confinement. On such examination the judge may disregard matters of form or technicalities in any mittimus or order of commitment by a court or officer, authorized to commit by law.

SEC. 2. That said section five thousand seven hundred and forty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 67.]

#### AN ACT

Regulating the manufacture and sale of butter and cheese, supplementary to chapter ten (10), title five (5), part two (2) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to chapter ten (10), title five (5), part two (2) of the revised statutes of Ohio, with sub-head and sectional numbering, as follows, viz.:

#### BUTTER AND CHEESE.

Persons engaged in manufacture of butter or cheese to keep account of material used.

Section 4373a. Every person engaged in the business of manufacturing butter or cheese, or both, for others, shall keep full and accurate accounts of the business, which books and accounts shall show the exact weight of the milk received from others to be manufactured, and the exact weight of the product thereof in butter or cheese, or both; and if milk is received from more than one person, and mixed in the manufacturing thereof, the books and accounts shall show the exact weight of the milk received from each, and the product shall be at the end of the month awarded ratably among the persons whose milk was used therein.

To keep account of sales.

Section 4373b. If the manufacturer is authorized to sell the product, the books and accounts shall also show each sale of the product, the place where, and to whom sold, and the price at which sold, the gross proceeds, the commission or compensation, and the net share of each person whose milk was used in the manufacture; and dividends on sales shall be made and paid as contracted for by and between the parties.

Such books and accounts to be open to examination of persons interested therein.

Section 4373c. The books and accounts above required to be kept, shall be open to the examination of any person interested therein, who shall have the right to take a copy of any account in which he is interested, such examining and copying to be done only at reasonable hours, and without interfering with the keeping of the accounts; and any manufacturer failing to keep the books



and accounts herein named, and in the manner herein specified, or who shall unreasonably prevent or obstruct the examination or copying thereof, as aforesaid, or who shall for three days after the time specified in section 4373*b* of this act, demand therefor, refuse or neglect to deliver to any person the share of the product of such manufacturer, to which he is entitled, or refuse or neglect to pay to any person the share of the proceeds of sale to which he is entitled, shall thereby forfeit all commission or compensation to which he would otherwise be entitled; and shall also be liable for the milk received, to be manufactured, or manufactured and sold, at the highest market price, during the month in which it was delivered: provided, that sections 4373*a*, 4373*b*, and section 4373*c* shall apply to companies, firms, and corporations engaged in said manufacture, as well as individuals.

Penalty for violation of foregoing.

SEC. 2. This act shall take effect from the first day of May next.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 258.]

#### AN ACT

To amend section six thousand eight hundred and seventy-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand eight hundred and seventy-one of the revised statutes of Ohio be so amended as to read as follows:

Section 6871. Whoever knowingly violates any of the provisions of sections two hundred and ninety-eight, two hundred and ninety-nine, three hundred, three hundred and one, three hundred and two, and three hundred and five of the revised statutes, or does any act whereby the lives or health of the persons, or the security of any mine and machinery are endangered, or any miner or other person employed in any mine governed by the statute, who intentionally and willfully neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any order given by the superintendent of a mine in relation to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place, shall be fined not more than fifty dollars or imprisoned in the county jail not more than thirty days or both.

Injuring  
mines, en-  
dangering  
health or  
lives of  
miners, how  
punished.

SEC. 2. Said original section six thousand eight hundred and seventy-one is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after July 1, 1881.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 348.]

AN ACT

To authorize the commissioners of any county to build a monument or other memorial to perpetuate the memory of soldiers who served in the union army during the late rebellion.

County commissioners authorized to submit question of tax for soldiers' monument to vote of electors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county in this state be and they are hereby authorized to submit to a vote of the people of said county, at any general election for state and county officers, the question whether or not a tax of not more than one-half mill upon each dollar shall be levied upon all property upon the tax duplicate of said county to raise a fund wherewith to erect a monument or other suitable memorial structure to perpetuate the memory of soldiers from said county who served in the union army during the late rebellion.

How tax to be levied, collected, and expended.

SEC. 2. In case a majority of the voters of any county voting upon said question shall vote in favor of imposing said proposed tax for said purpose, said tax shall be made payable in two installments of one quarter of a mill each, and shall be imposed and collected during the two years next succeeding the taking of said vote, and the moneys arising from said tax shall be expended by said commissioners in the erection of a monument or other suitable memorial structure, as said commissioners may deem best and most appropriate, at such place in said county as may be designated by said commissioners, and said money shall be applied to no other use or purpose whatever.

SEC. 3. This act shall be in force from its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 594.]

## AN ACT

To amend certain sections of subdivision three (III), chapter five, division five, title twelve, of the revised statutes of Ohio; also, to amend section two thousand one hundred and forty-one of chapter one, division six, title twelve, of the revised statutes of Ohio as amended February 27, 1880 (O. L., Vol. 77, page 33), and March 29, 1880 (O. L. Vol. 77, page 89), and to repeal certain sections therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and eighty-six, one thousand nine hundred and ninety, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-two, and one thousand nine hundred and ninety-seven, of subdivision three (III), chapter five, division five, title twelve, of the revised statutes of Ohio, and also section two thousand one hundred and forty-one, of chapter one, division six, title twelve, of the revised statutes of Ohio, as amended February 27, 1880, (O. L., vol. 77, page 33), and March 29, 1880, (vol. 77, page 89), be so amended as to read as follows:

Section 1984. All police powers and duties connected with, and incident to the appointment, regulation, and government of a police force in cities of the third grade of the first-class, shall be vested in, and exercised by a board composed of the mayor of such city, and four commissioners.

Police powers and duties in city of third grade, first-class, (Toledo) to be vested in mayor and four commissioners.

Section 1985. The respective terms of office of such commissioners, except the mayor, shall be four years, and the first members of said board shall immediately after the passage of this act, be appointed by the governor, no more than two of whom shall belong to the same political party, one of whom shall be appointed for the term of one year, one for two years, one for three years and one for four years, and annually thereafter, one commissioner shall be elected at the annual municipal election; and any vacancy in the board, caused by death, removal, resignation, or other cause, shall be filled, until the next regular municipal election, by the council of the city, at which election a commissioner shall be elected for the unexpired term, to fill such vacancy, and each commissioner shall be a resident of, and an elector in such city.

How such commissioners to be appointed and elected.

Vacancies.

Section 1986. The board shall appoint some suitable person to act as a secretary of said board, and who shall be secretary to the captain as acting superintendent of police; said secretary shall receive such annual salary, not exceeding one thousand dollars, as the board may determine, perform such duties as are herein provided, and may be provided by the board of commissioners, and hold his office until removed by a majority of all the members of the board, and shall give such bond for the faithful performance of his duties as said board require.

Secretary of board, his salary, duties, etc.

Section 1986a. In cities of the third grade, first class, the health officer appointed, shall be a physician of reputable standing, and he shall have his office in the city prison or police building, and as a part of his duty shall make all examinations of applicants for place on the police force, and be the attending physician at

Health officer to examine applicants for position on police force.

said city prison, and of the persons confined therein; and upon such appointment of health officer being made, all papers, books and appurtenances of the board of health of such cities shall be transferred and be placed at the disposal of the board of police commissioners.

Superintendent of police and other officers, how appointed, their salaries, etc.

Section 1990. The police board shall appoint one captain of police, who shall be also acting superintendent, whose salary shall be fixed by the police board, but shall not exceed fifteen hundred dollars per annum, not less than four hundred dollars of which shall be paid by the county in which such city is situated; one lieutenant of police, whose salary shall not exceed one thousand dollars per annum, one sergeant of police for every twelve patrolmen, or fractions of twelve greater than four (4), whose salary shall not exceed nine hundred dollars per annum; said sergeants shall be designated by said board as first, second, and so on, and shall rank accordingly; such number of patrolmen as the board may think expedient, but not exceeding one for each one thousand inhabitants, the salary not to exceed eight hundred dollars per annum, (and all of the above salaries to be determined by the police board); detectives, or secret police not exceeding three in number, one of whom shall be detailed by said board as chief detective, each of whose salaries shall not exceed nine hundred dollars per annum; all of which salaries and all other salaries of members of the police department shall be fixed by the police board, and shall be paid monthly, but the members of the police board shall receive no compensation for their services.

Detectives or secret police.

Board may increase number of patrolmen.

Section 1991. The number of patrolmen may be increased by the police board, with the consent of two-thirds of all the members of the common council; and in case of emergency, the police board may appoint special patrolmen, but shall, in such case, report to the council of such city, at its next meeting, the names and number of such special patrolmen, the occasion of their appointments as such, the length of time for which such appointments are made, and unless the said council approve of such appointments, the same shall then cease and terminate, if not already terminated by time of appointment or action of the police board; payment shall be made for services as special patrolmen until the services are terminated as above set forth.

Board to report such increase to council.

Board may suspend members of police force.

Section 1992. The police board may, for cause, and on notice according to the rules of the board, remove or suspend from office, or for any definite time deprive from pay, any member of such police force; and it may at any time by a vote of two-thirds of the members of the board, suspend or remove any officer or member of the police force, without assigning any reason therefor; it may make rules and regulations for the government and discipline of the force, and cause the same to be published; and may make and promulgate general and special orders to the force, through the acting superintendent of police.

Section 1997. Sections one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand

nine hundred and thirty-seven, one thousand nine hundred and forty-two, one thousand nine hundred and forty-three, one thousand nine hundred and forty-four, one thousand nine hundred and forty-five, one thousand nine hundred and forty-six, one thousand nine hundred and forty-seven, one thousand nine hundred and forty-eight, one thousand nine hundred and forty-nine, one thousand nine hundred and fifty, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-two, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-five, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-seven, one thousand nine hundred and sixty-eight, one thousand nine hundred and sixty-nine, one thousand nine hundred and seventy, one thousand nine hundred and seventy-one, one thousand nine hundred and seventy-two, one thousand nine hundred and seventy-three, one thousand nine hundred and eighty, one thousand nine hundred and eighty-one, and one thousand nine hundred and eighty-two, relating to cities of the second grade of the first class, are hereby made applicable to cities of the third grade of the first class, as though they were repeated in subdivision three (III), chapter five, division five, title twelve of the revised statutes of Ohio.

SEC. 2. That section two thousand one hundred and forty-one of chapter one, division six, title twelve of the revised statutes of Ohio, as amended February 27, 1880, (O. L., vol. 77, page 33), and March 29, 1880, (O. L., vol. 77, page 89), be so amended as to read as follows:

Section 2141. In cities of the third grade of the first-class and in cities of the first grade of the second-class, there shall be no board of health, but the board of police commissioners thereof shall exercise all the powers and perform all the duties required of the boards of health and mayors in this chapter.

SEC. 3. Be it further enacted that nothing herein contained shall be construed to affect the terms of any officers appointed under or by virtue of the sections of the revised statutes hereby repealed, except that in cities of the third grade of the first-class, such officers shall hold their offices only until the organization of the board of police commissioners and the appointment by them of the health officers of cities as herein provided; provided further, that in cities of the third grade of the first-class, the police commissioners now holding office under subdivision three (III), chapter five, division five, title twelve, of the revised statutes, relating to police boards and officers, shall continue to discharge the duties of the office until the organization of the board of police commissioners to be elected at the ensuing municipal election, and no longer; at which time all books, papers and appurtenances of the police department, in the hands and under the control of such police commissioners, or any of them, shall be placed at the disposal of the police commissioners elected at such election; but nothing in this act shall be held in any way to affect or change the term or tenure of office of any member of the police force.

Certain sections relating to cities of second grade made applicable to cities of third grade and first-class.

Board to act as board of health.

Provision as to present force.

SEC. 4. That sections one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and eighty-six, one thousand nine hundred and eighty-seven, one thousand nine hundred and eighty-eight, one thousand nine hundred and ninety, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-two, and one thousand nine hundred and ninety-seven of said revised statutes of Ohio, and section two thousand one hundred and forty-one thereof, as amended February 27, 1880, (O. L., vol. 77, page 33), and March 29, 1880 (O. L. vol. 77, page 89) be and the same are hereby repealed.

SEC. 5. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 748.]

#### AN ACT

To provide for county solicitors in counties containing cities of the second grade, class first, being supplementary to chapter ten, title eight, part one of the revised statutes of Ohio, and to amend sections eight hundred and forty-five and two thousand eight hundred and sixty-two of said statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to chapter ten, title eight, part one of the revised statutes of Ohio, with sectional numbering as herein provided.

Prosecuting  
attorney of  
Cuyahoga  
county to be  
county solicitor.

His duties.

His salary as  
such solicitor.

Section 1282a. That in any county of the state containing a city of the second grade of the first class, the prosecuting attorney of such county shall be, by virtue of his office, county solicitor; and as such solicitor, he shall be the legal adviser and attorney of the board of county commissioners, of the annual and decennial boards of equalization, of the board of revision, of the county auditor and of the county treasurer, and shall be required to prosecute or defend all suits and actions which said board of county commissioners may direct, or which may be required to be brought by, or which may be brought against either of said officers, or any of said boards. It shall be his duty, whenever requested so to do, to give legal advice, and to furnish opinions in writing to any county officer and to any of said boards, with regard to their official duties, a record of which opinions shall be kept in his office. And when requested so to do, he shall attend all regular, adjourned, or special meetings of said boards, and shall be entitled to protest against any action taken, or contemplated, by any of said boards, which protest shall be entered on the minutes of the meetings thereof. He shall receive as such solicitor a salary of fifteen hundred dollars per annum, payable quarterly, out of the county treasury on the warrant of the county auditor.

Section 1282b. Such county solicitor shall make a report annually, to the board of county commissioners at their first regular meeting in December of the business of his office for the preceding year, the number of causes pending and disposed of, the disposition of such as have been disposed of, the character of such causes, and the amount involved therein, and such other matters pertaining to the duties of his office as he may think proper, or the said board of commissioners may require.

To make report to county commissioners.

Section 1282c. In any county having a solicitor by the provisions of this act any assistant prosecuting attorney shall be, by virtue of his appointment, assistant county solicitor; and the judges of the court of common pleas of any such county may appoint, upon the recommendation of the prosecuting attorney, an assistant prosecuting attorney in addition to the one now authorized by section seven thousand one hundred and ninety-seven of the revised statutes of Ohio, at a yearly salary, not to exceed fifteen hundred dollars, to be fixed by the judges making such appointment, and to be paid out of the county treasury.

Assistant prosecuting attorney to be assistant solicitor.

Judges of the common pleas may appoint additional assistant prosecuting attorney.

SEC. 2. That sections eight hundred and forty-five and two thousand eight hundred and sixty-two of the revised statutes of Ohio be amended to read as follows:

Section 845. The board of commissioners shall be capable of suing and being sued, pleading and being impleaded in any court of judicature; and to ask, demand, and receive, by suit or otherwise, any real estate or interest therein, whether the same is legal or equitable, belonging to their county, or any sum or sums of money or other property due to such county; and the money so recovered in any case, shall be by them paid into the treasury of the county, and they shall take the treasurer's receipt therefor, and file the same with the auditor of the county; and the commissioners are authorized and empowered, in all suits, either in law or equity, brought by or against them in their official capacity, relating to any of the duties required by law to be performed by them, to employ counsel, not exceeding two, to prosecute or defend in any such case or cases, and to allow and pay such counsel out of the county treasury, reasonable fees for such services performed by them; but the fees so paid to such counsel shall not exceed in the aggregate the sum of two hundred and fifty dollars in any one case; and the provisions of this section shall not apply to any county in which there is a county solicitor, or a board of control having a solicitor; but the commissioners shall not employ or pay an attorney except as herein provided, and as provided in section twelve hundred and seventy-four.

General powers and duties of county commissioners.

Section 2862. Whenever an action has been commenced, or may hereafter be commenced, against any person holding the office of county treasurer or county auditor, or other county office, for performing or attempting to perform, any duty authorized by or directed by any statute or statutes of this state for the collection of the public revenue, such treasurer, auditor, or other officer, shall be allowed and paid out of the county treasury reasonable fees of counsel and other expenses for defending such action or suit, and the amount of any damages and costs adjudged against

County officer shall be allowed counsel—fees to be paid out of county treasury.

County solicitor to attend to all such suits.

him, which said fees, expenses, damages, and costs shall be apportioned ratably by the county auditor among all the parties entitled to share the revenue so collected, and by the said auditor shall be deducted from the shares or portions of revenue at any time payable to each, including, as one of the said parties, the state itself, as well as the counties, townships, cities, villages, and school districts, and organizations entitled as aforesaid: provided, that in every county in which there is a county solicitor, or a board of control having a solicitor to said board, it shall be the duty of the county solicitor, and of the solicitor of said board of control, to take charge of and attend to all actions against any of the officers above named in such county for performing, or attempting to perform, any of the duties aforesaid; and it shall be unlawful for any of said officers in such county to employ any other counsel to defend such action or suit.

SEC. 3. The said original sections eight hundred and forty-five and two thousand eight hundred and sixty-two be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 782.]

#### AN ACT

To amend section nine hundred and thirty-eight of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine hundred and thirty-eight of the revised statutes be so amended as to read as follows:

Location of district children's home.

Section 938. The trustees shall have power to select a suitable site for the location of such home, which must be of easy access, and when, in the judgment of the trustees, equally conducive to health, economy in purchase or in building, and to the general interest of the home and inmates, as near as practicable to the geographical center of the district, and where but two counties form a district, as near as may be to the dividing line, each county in the district shall be entitled to one trustee, and in districts composed of but two counties, each county be entitled to not less than two trustees. The county wherein said children's home is located, shall have not less than two trustees, who, in the interim of the regular meetings of the board, shall act as an executive committee in the discharge of all business pertaining to the home, except in districts composed of but two counties, one trustee from each county shall compose said executive committee. A majority of the trustees shall constitute a quorum, and their meetings shall be



held quarterly; they shall receive no compensation for their services, except their actual traveling expenses, which, when properly certified, shall be allowed and paid.

SEC. 2. Section nine hundred and thirty-eight of the revised statutes of Ohio is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

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[Substitute for House Bill No. 736.]

AN ACT

To amend section thirteen hundred and ninety-three (1393) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirteen hundred and ninety-three (1393) be so amended as to read as follows:

Section 1393. In all elections for state, county, or township officers, held in the precincts of any such township, the trustee or trustees shall act as judge or judges of election in the precincts in which said trustee or trustees reside; and the township clerk shall act as one of the clerks of all elections, held as aforesaid in the precinct in which he resides, and all other judges and clerks shall be chosen viva voce by the electors of each precinct; provided, that whenever, under and by virtue of proceedings had, under section thirteen hundred and eighty-nine (1389) of the revised statutes of Ohio, a separate precinct is set off, the territory of which is entirely included within the boundaries of an incorporated village, the two members of the council of said village, elected at the preceding spring election, having the highest number of votes of those elected, and the elector, who was a member of a political party to which one or both of such councilmen did not belong, who received the highest number of votes for councilman of those voted for, not elected at the preceding spring election, shall be the judges, and the clerk of said incorporated village, and an assistant to be chosen viva voce from the qualified electors of those present shall be the clerks of such separate election precinct, but if two or more of the councilmen elected receive the same number of votes, or if two or more of those not elected receive the same number of votes, the clerk of such incorporated village shall publicly determine, by lot, which shall be judges of election; judges so chosen shall serve as such for one year, and until their successors are chosen and qualified, and the clerk shall issue to them a certificate of election, as in other cases. In case any of such judges or clerks fail to appear at the place to be provided, and designated by the council of said village by resolution at the time provided by law for the opening of the polls at such special election precinct, the

How judges  
and clerks of  
election  
chosen.

place or places of such judge or judges, clerk or clerks, shall be supplied viva voce from the number of those present having the qualifications of electors at such election. The clerks and judges of such separate election precinct shall be governed, in all respects, by the laws now in force for the holding of elections.

SEC. 2. That said original section one thousand three hundred and ninety-three of the revised statutes of Ohio is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

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[House Bill No. 673.]

AN ACT

In relation to the codification of ordinances in cities of the third grade of the first class.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the third grade of the first class, whenever ordinances shall be codified, re-arranged, and published in book form, said publication in book form shall be taken and held to be in lieu of publishing the same in a newspaper or newspapers according to law, and shall be a sufficient publication to all intents and purposes, and the ordinance, or several ordinances, so published in book form, under appropriate sections and chapters, shall be held the same in law, as though they had been published in a newspaper or newspapers: provided, that any new ordinance so published, which has never been [published] as provided by law, and which contains entirely new matter, shall be published as hitherto required by law.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

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[House Bill No. 667.]

AN ACT

To pay certain claims of company A, of the sixth regiment O. N. G.

WHEREAS, The governor did, by virtue of his authority as chief executive of the state, call out during the months of August

and September, 1880, company A, of the sixth regiment Ohio national guard, to suppress a riot at Coalton, Jackson county, Ohio; and,

WHEREAS, A large number of said company, whilst in the performance of their duty in the service of the state, did contract diseases by reason of which many of them were incapacitated from earning a livelihood at their usual occupation for days and even months, and in addition to the losses sustained by reason of the loss of time, they were all compelled to employ physicians and purchase, in some instances, large quantities of medicines, and in addition thereto, were compelled to expend sums of money in other directions necessarily incident in sickness; and, from diseases contracted at that point, several of the members of said company have since died, one of whom was the sole support of a widowed mother; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of twelve hundred and twenty-one dollars and eighty-three cents (\$1,221.83), to reimburse and pay the claims now on file in the adjutant-general's office, to persons members of said company A, and the auditor of state is hereby directed to draw his warrant in favor of the adjutant-general for the same, who shall adjust such claims, and pay such amounts, not exceeding the amounts claimed, as to him may seem just and equitable.

SEC. 2. This act shall take effect and be in force after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No. 402.]

#### AN ACT

Supplementary to section one thousand four hundred and sixty-six, revised statutes, relating to control of cemeteries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section one thousand four hundred and sixty-six of the revised statutes, numbered as hereinafter provided:

Section 1466a. That the trustees may appoint three directors to take charge of any cemetery in said township, the control of which is vested in said trustees, and the order appointing said directors shall designate, by name, the cemetery or cemeteries over which they are to have supervision. The first directors appointed under this act shall hold their offices: one for one year, one for two years, and one for three years from the second Monday of May after their appointment, or until their successors are appointed

Directors of  
township  
cemetery,  
how appointed.

and qualified; thereafter one director shall be appointed each year, to serve for three years from the second Monday of May succeeding his appointment. All such directors, when appointed, shall be governed in the discharge of their duties by the same laws governing township trustees in the control of cemeteries in their respective townships, so far as the same may be applicable.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No. 320.]

#### AN ACT

To amend section six thousand nine hundred and forty-four, and supplement section seven thousand and thirty-two of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand nine and forty-four of the revised statutes of Ohio be amended, and section seven thousand and thirty-two be supplemented, as follows:

Selling spirituous liquors on Sunday.

Section 6944. Whoever sells or barter any spirituous liquors on the first day of the week, commonly called Sunday, except upon the written prescription of a practicing physician, shall be fined not more than fifty dollars.

Exhibiting theatrical or dramatic performance on Sunday.

Section 7032a. Whoever on the first day of the week, commonly called Sunday, participates in or exhibits to the public with or without charge for admittance, in any building, room, ground, garden, or other place in this state, any theatrical or dramatic performance of any kind or description, or any equestrian or circus performance of jugglers, acrobats, rope dancing, sparring exhibitions, variety shows, negro minstrelsy, living statuary, ballooning, or any base-ball playing, or any ten-pins, or other games of similar kind or kinds, or participates in keeping any low or disorderly house of resort, or shall sell, dispose of, or give away any ale, beer, porter, or spirituous liquors in any building appendant or adjacent thereto, when any such show, performance, or exhibition is given, or houses or places is kept, he or she shall, on complaint made within twenty days thereafter, be fined in any sum not exceeding one hundred dollars, or be confined in the county jail not exceeding six months, or both, at the discretion of the court.

SEC. 2. That said original section six thousand nine hundred and forty-four be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

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[Senate Bill No. 389.]

AN ACT

To amend section one thousand six hundred and sixty-three of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one thousand six hundred and sixty-three of the revised statutes of Ohio be so amended as to read as follows:

Section 1663. Each board shall annually elect a president and vice-president from its own body, and for the purpose of such election in any year when there shall be no election of aldermen, said aldermen shall assemble on the second Monday of April of said year. It shall be the duty of the president to preside at all meetings; but in his absence the vice-president shall preside, and in the absence of both officers a president pro tem. shall be elected: and all officers required to be elected by either board in separate or joint session, shall be elected *viva voce*.

Election of  
presiding offi-  
cers of coun-  
cil and board  
of aldermen.

SEC. 2. That said original section one thousand six hundred and sixty-three be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 7, 1881.

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[Senate Bill No. 249.]

AN ACT

To amend section three thousand eight hundred and sixty-eight of the revised statutes of Ohio in relation to the powers of certain corporations. (Revised statutes, page 975).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand eight hundred and sixty-eight of the revised statutes of Ohio be so amended as to read as follows:

Museum,  
park, pond,  
and rink  
companies.

Section 3868. When a corporation organized for the purpose of constructing and conducting a museum to be used for the exhibition and preservation of works of nature and art, and for instruction in connection therewith, or a public hall of any kind, or a park, pond, or rink to be used for skating or other lawful sports, or for holding fairs, festivals, public meetings, concerts or entertainments of any kind not prohibited by law, provides in its articles of incorporation that its buildings, or designated part thereof, shall be devoted to the use of the public for all purposes set forth in its articles, free from all costs, charges, and expense, except such as may be necessary for providing the means to keep such buildings, or such designated part thereof and its grounds in proper condition and repair, and to pay the expenses of insurance, care, management, and attendance, so that the public may have the benefit thereof for all the legitimate uses set forth in its articles at as little expense as possible, and that no stockholder, subscriber, trustee, director, or member shall receive any compensation, gain, or profit from the corporation for such public use of its buildings or such designated part thereof, the authorities of any city, village, or county in which the corporation is located, may appropriate to such use and grant the right and permit such corporation to erect and perpetually maintain its buildings on any of the parks, lands, lots, or grounds which, or the use of which belong to or are subject to the control of such city, village, or county, or the authorities thereof, and to control the same on the terms and conditions which may be agreed upon between such public authorities and the corporation; and in every such case it shall be lawful for the public authorities and the said corporation to agree that additional trustees of said corporation may be appointed by such public authorities, and upon the number of such trustees and the method of their appointment, and they may agree that any officer or officers of said city, village or county to be designated by them may act ex-officio as such trustees. (73 v. 8, § 1; 69 v. 20, § 1).

SEC. 2. That said original section three thousand eight hundred and sixty-eight be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 12, 1881.

[Senate Bill No. 407.]

#### AN ACT

To fix the aggregate of taxes which may be levied for certain purposes in cities of the second-class, having by the federal census of 1880, or by any succeeding federal census, a population of twenty thousand seven hundred and twenty-nine.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the second-class in this state, which by

the federal census of 1880 had, or by any succeeding federal census, shall have a population of twenty thousand seven hundred and twenty-nine, the aggregate of all taxes levied by such municipal corporation, including the levy for general purposes, above the tax for county, state, and water-works purposes, and excluding the tax for schools and school-house purposes, shall not exceed in any one year nine and five-tenths mills.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1881.

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[House Bill No. 924.]

AN ACT

To repeal an act entitled "an act making an appropriation to rebuild locks on, and to repair that portion of the Miami and Erie canal between Junction, in Paulding county, and the state line of Indiana," passed April 15, 1880 (Ohio laws, volume 77, page 225).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act making an appropriation to rebuild locks on, and to repair that portion of the Miami and Erie canal between Junction, in Paulding county, and the state line of Indiana," passed and took effect April 15, 1880, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 763.]

AN ACT

To amend section three hundred and five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and five of the revised statutes be amended so as to read as follows:

Section 305. In all coal mines in the state, the miners employed and working therein, the owners of the land or other persons interested in the rental or royalty of any such mine, shall at

Right of access to and examination of mines.

all proper times have full right of access and examination of all scales, machinery, or apparatus used in or about such mine to determine the quantity of coal mined, for the purpose of testing the accuracy and correctness of all such scales, machinery, or apparatus; and such miners, land-owners, or other persons, may designate or appoint a competent person to act for them, who shall at all proper times have full right of access and examination of such scales, machinery, or apparatus, and seeing all weights and measures of coal mined, and the accounts kept of the same; but not more than one person on behalf of the miners collectively, or one person on behalf of the land-owners or other persons interested in the rental or royalty jointly, shall have such right of access, examination, and inspection of scales, weights, measures, and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery, or apparatus; and the miners employed in any mine may, from time to time, appoint two of their number to act as a committee to inspect not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current, and if the owner, agent, or manager so desires, he may accompany said committee by himself, or two or more persons, which he may appoint for that purpose; the owner, agent, or manager shall afford every necessary facility for making such inspection and measurement, but the committee shall not in any way interrupt or impede the work going on in the mine at the time of such inspection and measurement, and said committee shall, within ten days after such inspection and measurement, make a correct report thereof to the inspector of mines, on blanks to be furnished by said inspector for that purpose; and if such committee make to the inspector a false or untrue report of the mines, such act shall constitute a violation of this section.

SEC. 2. Said original section three hundred and five be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Substitute for House Bill No. 104.]

#### AN ACT

To amend section seven thousand and ninety of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven thousand and ninety be so amended as to read as follows:

Section 7090. Whoever manufactures, or knowingly sells, or



offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, or having semblance of butter or cheese, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll, or parcel of such substance, and each vessel containing one or more packages of such substance have distinctly and durably painted, stamped, or marked thereon the true and appropriate name of such substance, together with the name of each article used or entering into the composition of said substance of each package, roll, or parcel of the same, in ordinary bold-faced capital letters, not less than five lines pica; or whoever knowingly sells any such substance to consumers, without delivering with each amount sold, whether by package, roll, parcel, or otherwise, a label on which is plainly and legibly printed in Roman letters the true and appropriate name of such substance, together with the name of each article used, or entering into the composition of said substance; if the same be not made wholly from pure cream or milk and salt, shall be fined in any sum not less than ten nor than three hundred dollars, or imprisoned in the county jail not more than ninety nor less than ten days, or both, in the discretion of the court: provided, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt, rennet, or harmless coloring matter in the manufacturing of butter and cheese.

Packages containing oleomargarine to be marked.

Penalty for selling oleomargarine without being properly marked.

SEC. 2. Said original section seven thousand and ninety is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1881.

[House Bill No. 581.]

#### AN ACT

To amend section seven thousand and thirty-five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven thousand and thirty-five (7035) of the revised statutes of the state of Ohio be so amended as to read as follows, to wit:

Section 7035. Whoever, being lawfully possessed of any corpse for the purpose of medical or surgical study, uses the same for any other purpose, or removes the same beyond the limits of this state, or in any manner traffics therein, or transports or attempts to have transported, by railroad or other public conveyance, such corpse without having the same securely enclosed in a box or

Unlawful use of bodies lawfully held for dissection.

case suitable for transportation, shall be imprisoned in the jail of the county where the conviction is had, not more than one year.

SEC. 2. That said original section seven thousand and thirty-five is hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1881.

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[House Bill No. 100.]

AN ACT

To amend section four thousand and one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand and one of the revised statutes of Ohio be so amended as to read as follows:

Powers and  
duties of  
school library  
committee of  
Cleveland.

Section 4001. Such committee shall report in writing, to the board of education at least once each year, and oftener if required by the board; shall have entire charge and control of the school library in the city, and shall have full power to make all rules and regulations for the government and regulation thereof; to employ a librarian and such assistants and help as may be needed, for the care and protection of the library, and to attend to the drawing and return of books; but the salary of such librarian, and the rate of compensation of such assistants and help shall be fixed by the library committee, by resolution, prior to such employment. [76 v. 50, § 2.]

SEC. 2. Section four thousand and one of the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

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[House Bill No. 917.]

AN ACT

Supplementary to an act entitled "an act to authorize certain cities to build railroads, and to lease or operate the same," passed April 7, 1880, (O. L., Vol. 77, page 131), and repeal section ten (10) of said act.

[PORTSMOUTH.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, under the provisions of the act of the general assembly of the state of Ohio, passed April 7, 1880, entitled

"an act to authorize certain cities to build railroads, and to lease or operate the same," applying to any city of the second class which by the federal census of 1870 had, and which by any subsequent federal census may have a population of ten thousand five hundred and ninety-two (10,592), proper action has been taken to authorize bonds to be issued for the purpose of providing for the building of a special line of railway for any such city, and a board of trustees has been duly appointed and qualified under said act, and such specified line of railway has not been constructed and bonds therefor have not been issued, or if issued, have not been used for such purpose, it shall be lawful for said board of trustees, by and with the consent of the city council of such city to apply and use such bonds thus authorized to be issued for the purpose of providing such terminal railroad facilities within the corporate limits of such city, as said board of trustees with the assent of such city council may determine. Such terminal facilities to be provided either by construction in whole or in part of a line of railway, or by the purchase or lease of a line, or part of a line, already built; and such line of railway thus to be provided, to be located with reference to the manufacturing and commercial interests and other general interests of such city, and the citizens thereof as will best facilitate the convenient shipment and transfer of freight in such city; and in connection therewith (if deemed advisable) proper facilities may be provided for the transfer of freight to and from boats or barges of any description upon any navigable water course.

SEC. 2. Such line of railway provided under provisions of this act shall be principally constructed within the corporate limits of such city, but for the purpose of making convenient connections with other lines of railway the same may, if deemed advisable, be extended beyond such corporate limits.

SEC. 3. Any line of railway constructed or provided under the provisions of this act and of said original act, shall in good faith be owned and held as the property of such city; but after the final completion of the same said board of trustees shall have power to lease the use of the same to any person or company, or to such railroad companies as may desire to use the same upon such reasonable terms and under such regulations as may be fixed by said board of trustees and be approved by the city council: provided, however, that in no event are unjust discriminations to be made, but all railroad companies whose lines of road shall enter any such city shall have the right to use the same upon terms of equality, and provided also that no lease to any railroad company of the use of such road shall be for a longer period than ten years. The authority hereby granted is to be exercised in conformity with said original act, except as otherwise herein provided.

SEC. 4. Section ten of said original act is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 932.]

## AN ACT

To amend section six thousand nine hundred and fifty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand nine hundred and fifty-one of the revised statutes of Ohio be so amended as to read as follows:

Cruelty to animals.

Section 6951. Whoever overdrives, overloads, tortures, torments, deprives of necessary sustenance, or unnecessarily or cruelly beats, or needlessly mutilates or kills, any animal, or impounds or confines any animal in any place and fails to supply the same during such confinement with a sufficient quantity of good wholesome food and water, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, or who keeps cows or other animals in any inclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk, or abandons to die any maimed, sick, infirm, or diseased animal, or, being a person or corporation engaged in transporting livestock, detains such stock in railroad cars, or in compartments, for a longer continuous period than twenty-four hours after the same are so placed, either within or beyond this state, without supplying the same with necessary food, water, and attention, or permits such stock to be so crowded together as to overlie, crush, wound, or kill each other, shall be fined not more than two hundred nor less than five dollars, or imprisoned not more than sixty days, or both; provided, that all fines collected for violations of this section, shall be paid to the society or association for the prevention of cruelty to animals, if any such society or association is organized in such township, village, or city, where such violation occurred.

SEC. 2. That said original section six thousand nine hundred and fifty-one be and the same is hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 959.]

## AN ACT

To amend section five thousand one hundred and eighty-nine (b) of an act entitled "an act supplementary to title one, division three, chapter two, subdivision one of the revised statutes of Ohio," passed and took effect March 29, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five thousand one hundred and eighty-nine (b) of an act entitled "an act supplementary to title one, division

three, chapter two, sub-division one, of the revised statutes of Ohio," be amended so as to read as follows:

Section 5189*b*. In any county, containing a city of the first grade of the first class, before the second Monday of May, of each year, the judges of the court of common pleas, and of the superior court in joint session, shall appoint three electors of such county, no one of whom shall be an attorney-at-law, to be commissioners of juries for said county; and a record of such appointment shall be made upon the journal of each of said courts; said commissioners shall, before entering upon a discharge of their duties, appear in said court of common pleas, and take an oath of office as follows:

"I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of commissioner of juries without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror. And this I do as I shall answer unto God," (or, "and this I do under the pains and penalties of perjury").

On the second Monday in May, in each year, such commissioners, or in any county containing a city of the second grade of the first class, the persons then respectively holding the office of clerk of the court of common pleas, county treasurer, and county auditor, shall meet in the office of the auditor of such county, at ten o'clock in the forenoon, and shall there select such number of judicious and discreet persons, having the qualifications of electors, as the court may direct, to be selected as nearly as may be from the several wards and townships in proportion to their respective population; but no person shall be so selected who shall not be, in the judgment of all of said commissioners, or said officers, competent in every respect to serve as a juror; that after said commissioners, or said officers shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid, shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel, and securely locked therein in the presence of said commissioners, or said officers; and said commissioners, or said officers, shall also at the same time, make and sign a certificate containing all of said names which they shall certify to be the names of the persons selected at the time and place aforesaid, to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificate shall be filed with said clerk. Said wheel shall be securely locked at all times, except when, by order of court, it shall be necessary to put names into it, or to draw them from it in the manner herein provided; and if any person shall unlock, or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not more than one thousand dollars, nor less than five hundred dollars, and imprisoned not more than one year nor less than three months. If either of the commissioners, or the officers mentioned in this section of this act, shall be sick or absent from the county, any

How commissioners of juries appointed in Hamilton county.

Oath of commissioners.

Who to act as such commissioners in Cuyahoga county.

judge of the court of common pleas may appoint some judicious and disinterested person to take the place of such officer in making the selection herein provided for; whenever it shall become necessary, said commissioners or said officers shall meet at such time and place as the court of common pleas may appoint, and shall there select such number of persons as the said court may, by its order direct, and the names of such persons shall be selected, written and deposited in said wheel, and certified to as herein before specified. But nothing herein contained shall abridge the right of any party to a struck jury, as provided by law.

SEC. 2. That said original section 5189b be and the same is hereby repealed, and this act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

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[Senate Bill No. 244.]

# AN ACT

To amend section 2293 of the revised statutes of Ohio

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2293 of the revised statutes of Ohio be so amended as to read as follows:

Cost and ex-  
penses of re-  
paving, how  
assessed.

Section 2293. If the costs and expenses of improving a street, alley, or other public highway, have been paid by the abutting property owners, and the grade remaining unchanged, it becomes necessary to repave such street, alley, or highway, one-half of the costs and expenses of such repaving shall, if the council deem it just, be placed on the general tax-list of all taxable property in the corporation, and collected as other taxes are collected, and applied to such cost and expense of repaving: provided, that in cities of the second grade of the first class, if the costs and expenses of paving and improving a street, alley, or other public highway have been paid by the abutting property owners, and it becomes necessary to repave such street, alley, or highway, one-half the cost and expenses, of such repaving, and such portion of the remainder thereof as the council may deem just and reasonable, shall be placed on the general tax-list of all taxable property in the corporation, and collected as other taxes are collected, and applied to such costs and expenses of repaving; and bonds may be issued, bearing a rate of interest not exceeding six

per cent. per annum, payable semi-annually, in anticipation of said taxes, to pay for such improvement.

SEC. 2. Said original section 2293 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 288.]

#### AN ACT

To amend section one of an act entitled "an act to provide for the relief of disabled firemen in cities of the second grade of the first class," passed April 17, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above act be so amended as to read as follows:

Section 1. That the county treasurers of counties containing a city of the first or second grade of the first class, or of the second grade of the second class shall, semi-annually, at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurer of such city one-fourth of the amount which such city is entitled, under his annual levy, to receive of all the taxes paid into the treasuries of their respective counties by foreign insurance companies on their gross receipts, under the provisions of section twenty-seven hundred and forty-five of the revised statutes, during the half year preceding such semi-annual settlement, the money so paid over to the city treasurers to be by them held and distributed as hereinafter provided.

County treasurers to pay to certain cities one-fourth tax received from foreign insurance companies for support of disabled firemen.

SEC. 2. That said original section one of an "act to provide for the relief of disabled firemen in cities of the second grade of the first class," passed April 17, 1880, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 432.]

## AN ACT

To authorize certain townships to build railroads, and to lease and operate the same.

[EMERALD TOWNSHIP, PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which, by the federal census of 1870 had, and which by any subsequent federal census may have, a population of seven hundred and seventeen (717) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirteen thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of — railway (the blank



to be filled with the name of the railroad as given in the aforesaid resolution), and the same nomination shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon

the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they may be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railway already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees

shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 434.]

#### AN ACT

Relating to incorporated villages, which by a census of 1874, had a population of three hundred and ninety-two.

[PAULDING.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any incorporated village which by a census of 1874, had a population of three hundred and ninety-two (392), the village council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, it shall be lawful for the village council of such village to borrow, as a fund for that purpose, not to exceed the sum of fifteen thousand dollars, and to issue bonds therefor, in the name of said village, under the corporate seal thereof, bearing interest not to exceed six per centum per annum, payable semi-annually at such places and in such sums as shall be deemed best by said council; said bonds shall be signed by the mayor, and attested by the clerk of said village; and the said clerk shall keep a register of the same, and

the faith of the village shall be pledged for the redemption of said bonds; and it shall be the duty of said council, annually, to levy sufficient tax to pay the interest on and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed or bonds issued, until the question of providing the line of railway shall be submitted to a vote of the qualified electors of said village, at a special election to be ordered by the council thereof, of which not less than ten days' notice shall be given in each paper published in said village; and provided, that a majority of said electors voting at said election, shall decide in favor of said line of railway; the returns of said election shall be made to the clerk of said village, and be by him laid before the village council, who shall declare the result by resolution.

SEC. 2. The said village council shall have the control and disbursement of said funds, and shall expend the same in procuring the right of way, depot grounds, constructing or procuring the construction of a single or double-track railway, with all the usual and necessary appendages; and for that purpose shall have power and capacity to make contracts, and to appoint and employ, and pay, officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchise for that purpose.

SEC. 3. The said village council shall keep a full record of their proceedings, and they shall also cause to be kept a full and accurate account of their receipts and expenditures in the construction of said line of railway.

SEC. 4. Said council shall have power to require and take such security from any officer, agent, or contractor chosen, appointed, or employed by them, as they may deem advisable. The members of said council shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway.

SEC. 5. Whenever, in the construction of said line of railroad as herein provided, it shall be necessary to appropriate any land for right of way, depot purposes, rights, or franchises, proceedings shall be commenced and conducted in all respects in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," and the acts amendatory thereto.

SEC. 6. Said council, when said piece of railroad is completed, shall have power to sell, lease, or operate the same upon such terms and conditions as they may deem best for the interest of said village.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 443.]

## AN ACT

To authorize certain townships to build railroads, and to lease and operate the same.

[JACKSON TOWNSHIP, PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have a population of five hundred and fifty-six (556) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of seven thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the

blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the

recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident taxpayers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees

shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 949]

#### AN ACT

To authorize certain incorporated villages to construct machine-shops, and to issue bonds therefor.

[MARTINS FERRY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of eighteen hundred and thirty-five, is hereby authorized to contract for and construct machine-shops, and purchase real estate therefor, and for that purpose to issue bonds to the amount of fifty thousand dollars, in such denominations, and payable at such times as the village council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such village, and shall bear interest at the rate of six per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. That any such village may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of machine-shops, but in no case shall such



bonds be disposed of at less than the par value thereof, and no contract shall be awarded, until the contractor shall enter into bonds to such village, in double the amount of such contract, conditioned, that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That said village council is hereby authorized to lease said shops, with or without the grounds upon which the same may be built, for such terms, and on such conditions and reservations as may be determined by resolution; or such village council may sell and convey said shops, with or without the ground upon which the same are built, or contracted to be built, for such considerations, and upon such terms, conditions, and reservations as may be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by any such village council until thereto authorized by a vote of the qualified electors of such village, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such village, upon the passage of a resolution by such village council, for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such village, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual place, or places of holding elections, and by the officers authorized to preside at elections in such village. The poll-book and tally-sheets of such elections shall be forthwith returned to the clerk of such village, who, with the mayor of said village, shall, at any regular or special meeting of the village council, and in the presence of a quorum of such council, proceed to canvass such vote; and the village clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such village; and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such village council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words, "Machine-shops—Yes;" "Machine-shops—No."

SEC. 5. That the resolutions of such village council herein provided for shall forthwith be entered by the village clerk upon the ordinance-book of such village, and shall take effect upon the passage thereof, without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts or conveyances authorized by this act shall, upon the part of such village, be signed by the mayor, countersigned by the clerk, and attested by the seal of such village; and the village council is hereby authorized to levy such tax upon the taxable property of such village, each year thereafter, as may be necessary to pay the interest on such bonds as the same may

become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

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[House Bill No. 731.]

AN ACT

To amend section 298 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 298 of the revised statutes of Ohio be amended so as to read as follows:

Owner or  
agent of coal  
mine to pro-  
vide proper  
ventilation.

Section 298. The owner or agent of every coal-mine, whether shaft, slope, or drift, shall provide and maintain for every such mine, an amount of ventilation of not less than 100 cubic feet, per minute, per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working-place in the mine, and no working-place shall be driven more than 120 feet in advance of a break-through, or airway; and all break-throughs, or airways, except those last made near the working-faces of the mine, shall be closed up and made air-tight by brattice, trap-doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the mine, where the persons employed in such mine are at work, and all mines governed by the statute shall be provided with artificial means of producing ventilation, such as forcing, or suction fans, exhaust steam, furnaces, or other contrivances, of such capacity and power, as to produce and maintain an abundant supply of air, and all mines generating fire-damp shall be kept free from standing gas, and every working-place shall be carefully examined every morning with a safety-lamp by a competent person, or persons, before any of the workmen are allowed to enter the mine.

SEC. 2. Said original section 298 is hereby repealed.

SEC. 3. This act shall be in force and take effect on and after the first of July, 1881.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

## [House Bill No. 730.]

## AN ACT

To amend section 3499, as amended April 12, 1880 (O. L. vol. 74, page 187), and to amend section 3501, and to enact section 3501a, and to repeal said sections 3499 and 3501 of the revised statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 3499, as amended, and that section 3501 be amended so as to read as follows:

**Section 3499.** In any county where, heretofore or hereafter, an affirmative vote has been or may be given, at any general election, in favor of purchasing any or all the toll-roads, or parts thereof, lying within such county, at a price to be fixed by three disinterested appraisers, who shall be appointed as follows: One by the court of common pleas of the county, or a judge of said court resident of the subdivision in which the county is situate; one by the probate judge of the county, and one by the commissioners of the county; said appraisers, after being sworn faithfully and honestly to discharge their duties in that behalf, shall personally inspect the road or roads, or parts thereof, so far as the same may be within such county, and make and return in writing to the commissioners, a valuation of each of the roads or parts thereof; and if the commissioners, from any cause, fail to purchase any road or part thereof, other appraisers may be appointed in the same manner. But nothing herein contained shall prevent the commissioners from making or receiving propositions, and to purchase at any time within two years after an appraisement has been had at the appraised price; any law heretofore passed to the contrary notwithstanding.

How toll-roads voted to be purchased by counties appraised

**Section 3501.** For the purpose of paying for such roads, or parts thereof, the commissioners shall issue bonds payable at such times, and in such amounts as will be as near as practicable equal to the semi-annual collection of taxes levied for that purpose, which bonds shall bear interest at a rate not exceeding six per centum, payable semi-annually, which bonds may be delivered to such companies in payment for such roads, or parts thereof, or sold for money at not less than their par value, but such bonds shall not run more than eight years from date, and for the payment thereof the commissioners shall levy, annually, on all the taxable property of such counties, in addition to the taxes they are otherwise authorized to levy, such sum as will fully pay such bonds and the interest thereon.

The issue of bonds for purchase and the tax for their redemption.

**SEC. 2.** That the following section be enacted, with sectional numbering, as follows:

**Section 3501a.** That the commissioners of the counties are hereby authorized and directed to refund to all persons residents of their respective counties, who have paid, or may be required to pay, any assessment for the construction of any free turnpike road, or roads, under the act of March 29, 1867, or the acts amendatory thereof, or supplementary thereto, which road has not been converted into a toll-road, for the purpose of adjusting this refunding of assessments, the auditors of such counties shall pre-

Assessments for construction of free turnpikes may be refunded.

pare a book of such assessments paid in the counties, in which shall be noted all amounts so refunded; and in no instance shall the amount so refunded exceed the amount they have paid or may be required to pay, towards the purchase of toll-roads, or parts of toll-roads, in their respective counties: provided, that all persons who shall demand or accept the refunding of the assessments paid by them, or any part thereof, shall thereby release all right to have the road or roads, to the construction of which they have contributed, to be converted into toll-road or roads; and in any attempt to convert such road or roads into toll-roads, the names of such persons and the assessments by them contributed shall be counted against the conversion of such road or roads, or parts thereof, into toll-roads; and for the purpose of refunding such assessments the commissioners are authorized to issue bonds in such amounts as will be necessary, which bonds may run not to exceed eight years, and bear not to exceed six per cent. interest, payable semi-annually; for the payment of such bonds the commissioners are required to levy on all the taxable property of the county such sum, annually, as will fully pay said bonds and the interest thereon, in addition to the taxes they are otherwise authorized to levy.

SEC. 3. That section 3499, as amended April 12, 1880, (O. L., vol. 77, page 187), and section 3501 be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 535.]

#### AN ACT

To amend section fifteen hundred and thirty-one (1531) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifteen hundred and thirty-one (1531) of the revised statutes of Ohio be amended to read as follows:

Fees of township clerk.

Section 1531. The clerk shall be entitled to the following fees, to be paid by the parties requiring the service: Twenty-five cents for recording each mark or brand; ten cents for every hundred words of record required in the establishment of township roads, to be opened and repaired by the parties; and ten cents for each hundred words of records or copies in matters relating to partition fences, but not less than twenty-five cents for any one copy to be paid out of the township treasury; one dollar and fifty cents for each day's service; ten cents for every hundred words of record required in the establishment of township roads, to be opened and kept in repair by the supervisor; and for keeping the record of the proceedings of the trustees, stating and making copies of ac-

counts and settlements, attending suits for or against the township, and for any other township business the trustees require him to perform, such reasonable compensation as they may allow; but in no one year shall he be entitled to receive out of the township treasury more than one hundred and fifty dollars: provided, that in any county of the state containing a city of the first grade of the first class, the township trustees of any township in such county may allow the township clerk a compensation not exceeding four hundred dollars.

SEC. 2. Said original section fifteen hundred and thirty-one of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 901.]

#### AN ACT

To amend section 2689 of the revised statutes of Ohio, as amended March 27, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2689 of the revised statutes of Ohio, as amended by the act passed March 27, 1880, be amended to read as follows:.

Section 2689. The aggregate of all tax levied, or ordered by any municipal corporation, including the levy for general purposes, above the tax for county and state purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year, in cities of the first grade of the first class, twelve mills, and such further rate as may be necessary to provide for the payment of the interest, and to create a sinking fund for the redemption of bonds issued, and that may be issued under the act relating to the Cincinnati southern railway, passed May 4, 1869 (66 v. 80), and the acts amendatory thereof and supplementary thereto; in cities of the second grade of the first class, nine and one-half mills, and such further rate as may be necessary to pay the interest on the public debt and for cemetery purposes, as provided for by law; in cities of the third grade of the first class, \$400,000: provided, however, that out of such funds the interest on the indebtedness of such corporation shall be first paid; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate, not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in such cities; in cities of the third

Maximum of  
tax allowed in  
municipal  
corporations.

In Cincinnati.

In Cleveland.

In Toledo.

In Columbus  
and Dayton.

In other cities  
and villages.

grade of the second class, twelve mills; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages, ten mills on each dollar of the value of any property as valued for taxation on the county tax list: provided, that the council shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the municipal corporation in such proportion to their needs as the council may deem necessary, and at no time thereafter shall the amounts therein specified as necessary for the purposes named, be changed; and all transfers of funds from one account to another are hereby expressly prohibited.

SEC. 2. That said act of March 27, 1880, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[House Bill No. 894.]

#### AN ACT

Supplementary to an act entitled "an act supplementary to an act entitled 'an act to provide for the appointment of trustees and disposition of moneys, property, and assets held in trust for building soldiers' monuments,'" and also, supplementary to an act entitled "an act supplementary to an act to provide for the appointment of trustees and disposition of moneys, property, and assets held in trust for building soldiers' monuments," (O. L., 68, 122; O. L., 72, 60; O. L., 74, 83.)

Bonds may  
be issued to  
complete sol-  
diers' monu-  
ments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases, where trustees have been appointed by virtue of the original act above recited, and in cases where such trustees have issued bonds, in accordance with the provisions of the act to which this bill is supplementary, said trustees may at any time, when in their opinion it may be necessary and conducive to the best interests of said trust, refund said indebtedness, by issuing and negotiating the bonds of such association, in such sums as they may deem proper, and to an amount not exceeding said original indebtedness and interest accrued thereon.

SEC. 2. Said bonds shall be made payable at such time or times as will, in the opinion of said trustees, best subserve the negotiation thereof, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and shall not run for a longer time than fifteen years from their issuance.

SEC. 3. Said bonds shall be signed by the president of said board of trustees, and countersigned by the secretary or clerk thereof.

SEC. 4. In order to provide for the payment of said bonds and

the interest thereon, said trustees shall apply the proceeds arising from the rents of such building (after deducting current expenses and necessary repairs) to the payment of the same.

SEC. 5. Said bonds shall not be sold for less than par.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 836.]

AN ACT

To amend section 1481 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1481 of the revised statutes of Ohio be amended to read as follows:

Section 1481. The trustees may receive on behalf of the township any donation by bequest, devise, or deed of gift, or otherwise, of any property, real or personal, for any township use; and when the township has real estate or buildings which it does not need, the trustees may sell and convey the same when at the annual township election, after notice, as provided in section fourteen hundred and seventy nine, has been given of the submission of the question, a majority of the electors voting at such election have voted, "Sale—yes." (63 v. 207, § 1.)

Township  
trustees may  
receive dona-  
tions for town-  
ship use.

SEC. 2. That said original section 1481 of the revised statutes of Ohio be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 684.]

AN ACT

Supplementary to section 4209 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to

part two (2), title five (5), chapter one (1), of the revised statutes of Ohio, with sectional numbering as follows:

#### KILLING HAWKS.

Reward for  
killing hawks.

Section 4209a. Any one killing a bird known as the hawk, shall, on the presentation of such dead bird to the clerk of the township where he or they may reside, be entitled to a certificate to the amount of fifty cents for each hawk so produced.

Township  
clerk to cer-  
tify amount of  
reward to  
county com-  
missioners.

Section 4209b. Any person or persons claiming such reward shall produce to the clerk of the township the number of heads for which he or they may claim reward, and it shall be the duty of the clerk to destroy the same immediately and issue his certificate to the county commissioners, who, on presentation of such certificate by the person or his order to whom it was given, shall issue their order upon the treasurer of the county for the amount of the reward, to be paid out of the surplus dog tax fund, and shall be preserved by the treasurer as other orders are directed to be preserved, and it shall be the duty of the auditor to keep an account of all such orders as accounts of other orders are or may be kept.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 296.]

#### AN ACT

For the regulation of children's homes and industrial schools established under the general incorporation law of the state in counties containing a city of the first class and second grade, and to repeal an act supplementary to the act of 1877, for the establishment, support, and regulation of children's homes in the several counties and children's homes districts in this state, passed April 24, 1877. (Ohio laws, volume 74, page 128).

[CUYAHOGA COUNTY.]

Manner in  
which trustees  
of children's  
homes may  
assume care of  
children.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county of this state, containing a city of the first class and second grade, in which an industrial school or children's home has been, or hereafter may be established and put into successful operation by any incorporated children's aid society or other benevolent association for the exclusive purpose of reclaiming and educating neglected, destitute and homeless children over four and less than sixteen years of age, the trustees and managers of such institution may take under their guardianship all children who may be placed under their care and management in either of the following modes:

*First*—Children over four and under sixteen years of age, who are voluntarily surrendered by the father and mother, or in case



of the death or long-continued absence of the parent having such child or children in charge, by their guardians, or next friend, to the care of such trustees and managers; provided, always, that with the special consent and advice of such trustees and managers, the proper officers or officer may receive and place in good homes, as authorized in other cases, children who are under four years of age.

*Second*—Children under sixteen years of age, who, upon the application of the trustees and managers, may be committed to their care by any judge of probate court, court of common pleas, or mayor of any city, or by any police judge in said county on account of vagrancy or exposure to want and suffering, or neglect or abandonment by their parents or guardians, or other persons having custody of such children, or in accordance with the request of their mother or next friend in case of the habitual intemperance, abuse, or neglect of their father; and such judge of probate court, court of common pleas, or mayor or police judge, so committing any child to the care of the trustees and managers of such institution, shall annex to the commitment an abstract of the evidence taken by him, and on which his adjudication was founded, which evidence shall be taken under oath; and a copy of such commitment, certified to by the clerk or secretary of said institution, under the seal of such society, shall be received in all courts of justice within this state, as proof of the guardianship of said trustees or managers over said child, and of their power to act under this law; said original commitment may also be so used.

SEC. 2. The trustees and managers of such institution shall have the guardianship of such children during their minority, and may by its president and secretary, or other officer duly appointed by said trustees, indenture or apprentice such children so received into such school or home to suitable guardians or masters, or place them in suitable homes having a scrupulous regard to the good moral character of the persons with whom such children are placed, and may also appear in any probate court by answer duly filed, and consent to the adoption of such child or children, as fully and completely as the parents of such child could do were they present and capable to consent thereto.

Trustees to be guardians of such children and may indenture same.

SEC. 3. The trustees and managers shall require an agreement to be entered into that each and every child so placed or adopted, shall be furnished with good and sufficient food and clothing, and a suitable common school education; the trustees and managers may indenture any such child when in their judgment it may seem best, and shall provide themselves with books in which shall be entered the age, parentage, place of residence, and present condition of every child received into any such children's home or industrial school, [and they shall also cause to be entered in such books the time when, the place where, and the persons to whom any of the inmates of such children's home or industrial school] have been placed for suitable homes, or indentured or caused to be adopted, together with a copy of the contract entered into between the trustees and the person receiving such child.

Agreement of indenture.

SEC. 4. Any person receiving such child from the trustees and

**Persons receiving child as apprentice not to transfer services.**

managers of such institution, shall not assign or transfer his or her services for any period without the written consent of the trustees and managers, and if for any cause a person so taking a child desires to be released from the contract, the trustees or managers upon application may cancel the same, and resume the charge and management of the child, and shall have the same powers and authority over him as before the agreement was made.

**Trustees may remove child from home where placed.**

And the trustees may remove a child from a home where they have placed, indentured, or caused the child to be adopted, when in their judgment such home has become unsuitable, or the adopted parents have become unworthy to have the care and control of such child, and they shall in such cases resume the same powers and authority as they originally possessed, but they may return any child to its parents when in their judgment the best interests of the child will be subserved thereby, or they may discharge him to care for himself when they shall deem him capable of caring for himself.

**County commissioners may provide by taxation, money for children's home.**

SEC. 5. It shall be lawful for the county commissioners in any such county as specified in the first section of this act, in which they have not established for such county, or in connection with adjoining counties, a children's home as heretofore provided by law, to provide by taxation, and appropriate from the county treasury a sufficient sum of money to pay the superintendent and necessary attendants employed in any such industrial school or children's home established as aforesaid, such reasonable salaries for their services as may be approved by the county commissioners, not to exceed in the aggregate the annual sum of three thousand dollars; but in no case shall the provisions of this section apply to any industrial school or children's home which is sectarian in its character, or conducted in the interests of any religious sect or denomination.

**Commissioners of adjoining county may make contract with trustees for care of children.**

SEC. 6. The county commissioners of any county adjoining the county where such school or home may be established may, and they are hereby empowered to contract with said trustees or managers for the custody, care, and control of the poor and homeless children of their respective counties, and to place them in such home or school and to pay their expenses while there, not exceeding the sum of one hundred and twenty-five dollars (\$125) a year, out of the treasury of their said county; and where such children are so placed and received, the trustees and managers shall have and exercise the same power over them as is granted to the trustees of the county or district homes by law.

**Trustees to report annually to county commissioners.**

SEC. 7. It shall be the duty of the trustees of such industrial school or children's home, when any appropriation for the benefit of the same is made by the county commissioners of such county, for such trustees to report annually to such commissioners the wants and operations of such industrial school or children's home, including the number of inmates, the terms and conditions upon which they were admitted, and to furnish also an accurate account of all receipts and expenditures; and in cases where children have been received from the county commissioners of other counties, a report shall be made to them of the final or other disposition of such children.

SEC. 8. In case a change of class or grade of any such city, as is mentioned in the first section of this act should hereafter be made by law, such change shall not affect the application of the provisions of this act to any such city, but the same shall still remain in force as if no such change had been made; and said supplementary act passed April 24, 1877, is hereby repealed, saving all rights that may have been acquired under it, and this act shall take effect and be in force from and after its passage.

This act to remain in force if grade or class of city changed.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 438.]

#### AN ACT

To authorize certain townships to build railroads, and to lease and operate the same.

[GERMAN TOWNSHIP, MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had a population of three thousand one hundred and ninety-seven (3197), the township trustees thereof shall, on the petition of not less than twenty-five tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein; it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of sixty thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed four mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution, shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for three successive

weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; it is further provided, that if two-thirds of said electors voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of such township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in the county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bonds to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bonds shall be signed by not less than three sureties and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then in that case such tax-payer or bondholders may file such petition for like relief in the court of common pleas of said county; and if the court upon hearing said petition shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights, or franchises, proceedings shall be commenced and conducted in accordance with the laws now in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the

trustees of said line may purchase, or lease the said railroads, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights, or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 423.]

#### AN ACT

To authorize cities of the second class, having a population of eight thousand four hundred and ten, by the last federal census, to erect buildings for manufacturing purposes.

[FREMONT.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city in the state of Ohio, which had a population of eight thousand four hundred and ten (8,410) by the federal census of the year 1880, or which may hereafter have such number of inhabitants, by any future federal census, is hereby authorized and empowered to contract for and construct buildings, and purchase, and hold necessary real estate therefor, and to purchase machinery for manufacturing purposes in said such city, and to pay for the same not exceeding a total of twenty-five thousand dollars.

SEC. 2. That any such council of such city, to provide the money for the purchase of such real estate, buildings and machinery, or construction of such buildings, is hereby authorized to issue the bonds of such city, payable in fifteen years or less, after date,

bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to provide for the payment of such bonds and the interest thereon, as hereinafter provided; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That any such city is hereby authorized and required, for the purpose of paying the interest and principal of such bonds, to levy on the taxable property of such city, annually, a tax not exceeding three mills on the dollar in each year, in addition to the other taxes which may be authorized by law for other purposes, and the tax so levied shall be applied to no other purpose than the payment of the interest and principal of said bonds; provided, that if any more money shall be raised in any one year than is required to pay the amount due on said bonds for that year, the remainder shall be set aside and constitute a sinking fund to be applied to the payment of the principal of said bonds, whenever the amount of such sinking fund shall equal the sum due on one or more of such bonds.

SEC. 4. That such city is hereby authorized to grant or lease the property so purchased or erected, or a part thereof, to any person or company, for manufacturing purposes, upon such terms and conditions as may be agreed upon between the council of such city by a vote of two-thirds of the members thereof, and such person, company, or companies.

SEC. 5. That before such purchase shall be made or any contract entered into, or any of the powers herein conferred shall be exercised, such city council shall submit the question of the exercise of such powers to the qualified electors of such city at any general, or at a special election to be called by the council of the city, by publishing notice of the same in all the papers published in such city, at least ten days before the day of such election, whether general or special, and in such notice distinctly state the object and purpose thereof, the amount of bonds proposed to be issued, the rate of interest they shall bear, and when they are to be payable. The ballots to be voted at such election shall have written or printed thereon, "Factories—Yes;" "Factories—No." That the poll-books and tally-sheets of such election shall be forthwith, after the close of the said election, returned to the city clerk of the city; and [the] city council of the city, at their next regular meeting thereafter, [shall] provide for the canvassing of the returns, and shall cause the result to be entered upon the journal of the council of their proceeding of that meeting; and, if it shall appear that two-thirds of the voters voting at said election did not vote in favor of the proposition, said city council shall not exercise any of the powers conferred, or authority given by this act.

SEC. 6. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 409.]

## AN ACT

To amend section one of an act to provide compensation for members of county, city, and state boards of equalization for the equalization of appraisement of real estate appraised in 1880; passed April 15, 1880, as amended March 11, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be so amended as to read as follows:

Compensation  
of decennial  
county and  
city boards of  
equalization.

Section 1. Each member of any decennial county or city board of equalization, for the equalization of real property as appraised by the district assessors in the year 1880, including the county auditor, shall be entitled to receive for each day necessarily employed in the performance of his duties, the sum of three dollars, to be paid out of the county treasury after the same has been allowed by the board of county commissioners. But in any county containing a city of the first grade of the first class, each of said members shall receive such further compensation as the commissioners of such county may deem reasonable and just. And in any county containing a city of the second grade of the first class each of said members shall receive such further compensation as the commissioners of such county may deem reasonable and just not to exceed the sum of two dollars per diem.

SEC. 2. That section one of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 382]

## AN ACT

To amend section twenty-eight hundred and nineteen (2819) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2819 of the revised statutes be amended so as to read as follows:

Auditor of  
state to trans-  
mit equaliza-  
tion state-  
ment to  
county audi-  
tors.

Section 2819. When the state board of equalization shall have completed their equalization of real property among the several counties, the auditor of state shall transmit to each county auditor, a statement of the per centum to be added or deducted from the valuation of the real property of his county, specifying the per centum added to or deducted from the valuation of the real property of each of the several towns, and of the real property not in towns, in case an equal per centum shall not have been added or deducted



from each; and the county auditor shall forthwith proceed to add to or deduct from each tract or lot of real property in his county, the required per centum or the valuation thereof, as it stands, after the same shall have been equalized by the county and city boards of equalization; adding, moreover, or deducting, in each case, any sum of less than five dollars, so that the value of any separate tract or lot shall be ten dollars or some multiple thereof.

SEC. 2. That said original section 2819 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 378]

AN ACT

To amend section five thousand one hundred and thirty-four of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand one hundred and thirty-four of the revised statutes of Ohio be amended to read as follows:

Section 5134. Cases in which there is an issue of fact, or in which damages are to be assessed, shall be tried in the order in which they stand on the trial docket, unless, by the consent of parties, or by the order of the court, they be continued or placed at the heel of the docket, but the court may assign for trial the cases triable to a jury, in a series, in the order in which they stand upon the docket, and cases not triable to a jury in a series, in like manner; all other cases shall be heard in the order in which they stand upon the trial docket, unless the court otherwise direct; and the court may at any time hear a demurrer or motion, and may, by rule, prescribe the time of hearing demurrers and motions.

The order in  
which cases  
are to be  
heard.

SEC. 2. That said section 5134 of the revised statutes of Ohio be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

[Senate Bill No. 316]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

## [SALEM TOWNSHIP, OTTAWA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which, by any subsequent federal census, may have a population of sixteen hundred and eighty-seven (1687), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such township that a line of railway to be named in said resolution, should be provided between termini designated therein, one of which shall be in said township, not exceeding six (6) miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of twenty-five thousand dollars (\$25,000), and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six (6) per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of said township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five (5) mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds; provided, that such township shall not in any one year levy taxes to a greater amount than twenty (20) mills on the dollar, including the levy for said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; further provided, two-thirds of such electors voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be

in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk forthwith to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of such township, to be called the trustees of ——— railway, (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe-keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property, and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust

it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one may be removed, and another be appointed in his place; and if the said township trustees shall fail to make application after the request of any of the holders of any of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name on the behalf of the holders of such bonds for like relief in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutment or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroads or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion, or at any period during the construction of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease, or sell, and convey the same to any person, or persons, or company as will conform to the terms and conditions which shall be fixed and provided by said board of trustees.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars (\$500) for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made and proceedings for appropriations and actions may be commenced either in the

name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

Sec. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 598.]

AN ACT

To amend section 753 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 753 be amended to read as follows:

Section 753. Male youth not over sixteen, nor under ten years of age, may be committed to the reform school by any judge of a police court, judge of the court of common pleas, or probate court, on conviction of any offence against the laws of the state.

What youth  
may be com-  
mitted to the  
reform school.

SEC. 2. Said original section 753 is hereby repealed, and this act to take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 690.]

AN ACT

To establish the fees and compensation of certain county officers in counties having at the federal census of 1870 a population of not less than 46,000, and not more than 52,000, and being supplementary to sections 1013 to 1162 of the revised statutes, inclusive.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties of the state having at the federal census of 1870 a population of not less than 46,000, and not more than 52,000, the fees and compensation of the county auditor and county treasurer shall be as follows, viz. :

SEC. 2. The fees of the county auditor shall be the same as provided in sections 1069, 1070, 1071, 1072, 1073, 1074, 1075, and 1076 of the revised statutes, and in addition thereto he shall receive fees as follows, viz. : For placing on the grand duplicate

Fees of  
county auditor  
of Lucas  
county.

special assessments and sewerage taxes, as certified by the city clerk, or city auditor, as the case may be, eight cents for each description of property sought to be assessed, and the county commissioners shall allow to the auditor for making the separate duplicates provided for in section three (3) of an act entitled "an act to facilitate the collection of forfeited and delinquent taxes in Lucas county," passed February 26, 1880, the sum of eight hundred dollars.

Fees of  
county treasurer of Lucas  
county.

SEC. 3. The fees and compensation of the county treasurer shall be as follows: On settlement semi-annually, including the first semi-annual settlement in the year 1881. with the auditor, he shall be allowed on all moneys collected on the grand duplicate as follows: On the first twenty-five thousand dollars, two and one-half per centum; on the next twenty-five thousand dollars, one and one-half per centum; on all moneys collected for school purposes such compensation as is provided in section 3960 of the revised statutes, and on all moneys collected on any special duplicate, and on all other moneys collected on the grand duplicate, one per centum, and on all moneys collected otherwise than on the duplicate the following percentages, viz.: On licenses, fines, forfeitures, bonds, recognizances, on the first one thousand dollars, ten (10) per cent., and all over one thousand dollars, five per cent., and on all other moneys collected on the first ten thousand dollars, one per cent., and on any excess, five-tenths of one per cent.; but no compensation, percentage, commission, or fees shall be allowed on any moneys received by him from the state treasurer, or from his predecessor in office, or the legal representative, or sureties of such predecessor, or on any moneys received from the proceeds of the bonds of the county, or of any municipal corporation.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 701.]

#### AN ACT

To authorize certain townships to build railroads, and to lease and operate the same.

[— TOWNSHIP, — COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1880 had, and which by any subsequent federal census may have a population of one thousand three hundred and sixty-nine

(1369) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of twenty-five thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof annually to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county in which such township is located and of general circulation in such township: further provided two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less

than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate; which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that



any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition for like relief in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 790.]

AN ACT

To amend section 7036 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventy hundred and thirty-six of the revised statutes be amended so as to read as follows:

Injury to  
gravestones,  
monuments,  
or cemetery-  
grounds.

Section 7036. Whoever without lawful authority maliciously injures or removes any tomb, monument, gravestone, or other structure erected to perpetuate the memory of any deceased person, or any fence-railing, or other work in or around any cemetery or burial-place, or any tree, shrub, or plant therein, or shall drive thereon with team for the purpose of plowing or cultivating said cemetery-ground, shall be fined not more than five hundred dollars nor less than twenty-five dollars, or be imprisoned not more than thirty days, or both.

SEC. 2. That said section 7036 be and is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 938.]

AN ACT

To authorize certain incorporated villages to build railroads, and to lease or operate the same.

[FINDLAY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any incorporated village, which by the

federal census of 1870 had, and which by any subsequent federal census may have a population of three thousand three hundred and fifteen, the village council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, and the other not exceeding nine miles therefrom, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of seventy-five thousand dollars, and to issue bonds therefor in the name of such incorporated village under the corporate seal thereof, bearing interest at a rate not to exceed six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they may, at the option of said board, be secured by a mortgage on the line of said railway and its net income, and they shall be secured by the pledge of the good faith of said village, and a tax which it shall be the duty of the council thereof, annually, to levy (which tax shall not exceed six mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds; provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution, shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in a newspaper published in such village and of general circulation therein; and further provided, that two-thirds of said electors voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said incorporated village, and by him laid before the council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the corporation clerk forthwith to file a petition in the court of common pleas of the county in which such village is situated, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway, (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the village in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful performance of their duties. The bond so taken shall be approved by the council of the village and deposited with the treasurer of the corporation for safe-keeping.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right of way on which to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in the name of such board of trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and to receive and hold all the funds arising from the sale of said bonds, and to hold such bonds after their issue until their sale, and shall pay out said funds upon the order of said board of trustees, under such rules as said board may approve and adopt, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the corporation clerk annually, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of said village, by resolution, duly adopted and allowed by the court appointing them, and shall be according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the corporation clerk of any village, under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his

**duty** to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another be appointed in his place; and if the corporation clerk shall fail to make application in either of the foregoing cases after the request of any of the holders of bonds issued by said trustees, or by any tax-payer of such village, such bondholder or tax-payer may file a petition in his own name on behalf of the holders of such bonds for like relief in any court having jurisdiction; and if the court upon hearing said action shall adjudge in favor of such plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the constructinn of a railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments, or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of a jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroads, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof belonging to such incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights, or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion, or at any time during its construction of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease, sell, or convey the same to any person or persons or company as will conform to the terms and conditions which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

SEC. 11. That the council of any incorporated village described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced either in the name of such incorporated village providing the line of railway,

or in the name of the board of trustees of ———— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in other cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 800.]

AN ACT

To amend section 4006 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4006 of the revised statutes of Ohio be amended so as to read as follows :

Powers and  
duties of li-  
brary com-  
mittees in  
Portsmouth.

Section 4006. For the purpose of increasing and maintaining school libraries in cities mentioned in section 4003 of the revised statutes of Ohio, and the territory thereto attached for school purposes, such library committee in such cities is authorized to annually levy a tax of two-tenths of one mill on the dollar valuation of the taxable property of such cities aforesaid, and the territory thereto attached for school purposes, to be assessed, collected and paid in the same manner as are the school taxes of such cities, and all money appropriated or collected by tax for such library shall be expended under the direction of said library committee in the purchase of such books, pamphlets, papers, magazines, periodicals, and journals, as may be deemed suitable for the public school library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining said libraries, the bills and pay-rolls for which said expenditures, shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of the board of education of said city from such library fund.

SEC. 2. The said original section 4006 is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 955.]

## AN ACT

Supplementary to an act entitled "an act to authorize certain villages to purchase certain real estate for railroad purposes, to construct machine shops and to issue bonds therefore, and to authorize additional taxation to meet the principal and interest of said bonds, passed April 15, 1880 (O. L. 77 page 229).

[DOVER.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation referred to in the act to which this is supplementary, is hereby authorized to purchase real estate and construct thereon rolling mill and nail-works, and such other manufacturing works as such council may determine, or machine shops as provided in said original act; and for such purpose or purposes such council is hereby authorized to appropriate and use any sum or sums of money not to exceed in all the sum of twenty-five thousand dollars (\$25,000) of the fund authorized to be raised by said original act; provided that the powers herein before conferred shall not be exercised in any case or for any purpose until the question of making an appropriation as herein provided shall be submitted to a vote of the qualified electors of such municipal corporation according to the provisions of section five of the act to which this is supplementary so far as such provisions are applicable, and that at each and every time a proposition under this act shall be thus submitted, the notice required by said section shall contain a statement showing clearly the object and purpose of the proposed appropriation and the amount thereof; the ballots to be voted at such general or special election shall have written or printed thereon the words "rolling-mill and nail-works, yes;" "rolling-mill and nail-works, no;" and in the event that a proposition for the construction of any other works shall be submitted, such ballots shall have written or printed thereon (naming the works) "yes;" (naming the works) "no."

SEC. 2. That such council is hereby authorized to lease and is authorized to sell and convey upon such terms and conditions as may by it be determined by resolution, any part or all of said real estate, with or without the buildings constructed or to be constructed thereon, to such person or persons or company or companies, as may by such council be determined.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 467.]

## AN ACT

To authorize certain cities to grant right of way to railroad companies.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city in this state, which by the federal census of 1880 had a population entitling it to pass from the rank of a city of the third grade, second class, into the rank of a city of the second grade, second class, but which has provided by ordinance that such city shall remain a city of the third grade, second class, is hereby authorized and empowered to grant a right of way upon, over and through any of the streets, highways or alleys of said city, under such restrictions as may be provided by said council, to any railroad corporation (now existing or hereafter created), for the purpose of constructing, extending and operating thereon its line of railroad; and to provide for the assumption, adjustment, and payment by said city of all claims of property holders for compensation, injuries, or damages to their property caused by the construction and operation of said railroad, and to protect such railroad company from the payment of, or any liability, on account of the claims of such property holders.

SEC. 2. For the purpose of carrying into effect the provisions of this act, the council of such city is hereby authorized to annually levy upon the entire property of said city, a tax sufficient for the payment of the claims and damages mentioned in the preceding section, which tax may be so levied in addition to all other taxes now authorized by law to be levied by the council of such city, and in the execution of this act the council and clerk of said city are not required to be governed by section 2702 of the revised statutes of Ohio.

SEC. 3. This act shall take effect and be in force on and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 965.]

## AN ACT

To amend section four thousand and ninety-eight (4098) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand and ninety-eight of the revised statutes of Ohio, in force January 1, 1880, be so amended as to read as follows:

Section 4098. The custody and management of any and all estates, property, or funds so given, or transferred in trust to



said city, and the entire administration of any and all such trusts so accepted by the common council thereof, and any university, college, or institution for the promotion of education heretofore or hereafter so founded in or by said city, except the common and high schools thereof, shall be committed to a board of nineteen directors, of whom the mayor of the city shall be one, and the others shall be appointed by the common council from persons of approved learning, discretion, and fitness for the office, citizens of the city, six of whom shall be appointed from persons nominated to the common council by the board of education of the city, and twelve from persons nominated to the common council by the superior court of said city, if there be such court; the terms of office of each director shall be six years, but of those first appointed three shall be appointed for one year, three for two years, three for three years, three for four years, three for five years, and three for six years, from the first day of January next following their appointment; such directors shall serve until the election or qualification of their successors, and any vacancy in the board caused by expiration of term, resignation, removal, or other cause, shall be filled by appointment as herein provided, for the unexpired term.

SEC. 2. Section four thousand and ninety-eight of the revised statutes is hereby repealed, and this act shall take effect and be in full force from and after its passage, but shall not be construed to affect the term of any director appointed under the section of the revised statutes hereby repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 603.]

#### AN ACT

Amendatory of section 2805, and supplementary to section 2805a of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2805 of the revised statutes as amended March 25, 1880, and April 12, 1880, and section 2805a supplementary thereto, passed March 25, 1880, be and the same are hereby amended so as to read as follows:

Section 2805. In each city of the first and second class there shall be an annual board for the equalization of the value of real and personal property, moneys, and credits in such city, to be composed of the county auditor, and six citizens of such city, appointed by the council thereof; the first appointments to be two for one year, two for two years, and two for three years; except in cities in which such boards are already organized where five

Boards of directors of Cincinnati and Toledo Universities, how appointed.

Annual city board of equalization, how constituted and organized.

shall be appointed for three years and two thereafter shall be annually appointed for three years, and all vacancies shall be filled for the unexpired term; provided, that the provisions of this act shall not affect any person or persons heretofore appointed and now in office during the time for which they shall have been appointed. Said board shall be governed by the rules, provisions, and limitations prescribed in the next preceding section for the annual county board, is authorized to administer oaths, is empowered to equalize the value of real and personal property, moneys, and credits within such city, and shall annually meet at the office of the county auditor on the fourth Monday of May, and in cities of the first and second grade of the first class, shall close its session on or before the fourth Monday of August, in cities of the third grade of the first class, and cities of the first and second grades of the second class, said board shall close its session on or before the second Monday of July, and in cities of the third and fourth grades of the second class, said board shall close its session on or before the fourth Monday in June, then next following. For each day necessarily employed in the performance of their duties, the members of said board shall each receive, in cities of the first class, and in the first and second grades of the second class, the sum of five dollars per day; and in cities of the third and fourth grades of the second class, the sum of two dollars and fifty cents per day. In cities of the first and second grades of the first class, the auditor shall receive no compensation as a member of the board, but the board may appoint all necessary clerks, not exceeding six, who shall each receive three dollars per day for their services for the time actually employed, which shall be paid out of the county treasury.

When such board to be called together as board of revision.

SEC. 2805a. And in each city of the second grade, class first, the county auditor may, whenever he may deem it necessary to call together the annual city board of equalization on the second Monday of January of each year, and said board, when so called together, shall sit as a board of revision of such acts done by it as a board of equalization at the previous meeting thereof, as the county auditor may present to it for its revision. But before acting as a board of revision the members thereof shall be sworn by a competent officer to a faithful discharge of their duties as such board, and any refunder, abatement, or change of value, which said board of revision may recommend to be made, shall be deemed and held in a case of refunder or abatement, to be sufficient authority for the county auditor to issue his order of refunder or abatement on the county treasurer, and in case of change of value such recommendation of change by said board shall be deemed and held sufficient authority for said officers to enter the same in his book of additions and deductions, and all acts of the said board of revision shall be subject to an appeal through the county auditor to the auditor of state; said board of revision shall have power to administer any oath which it may deem necessary to the proper discharge of its duties; it shall not continue in session for a longer time than two weeks. Public notice shall be given by the county auditor of each meeting of said board, and its members

shall be paid the same amount per day as when sitting as a board of equalization.

SEC. 2. That said section 2805, as amended March 25, 1880, and April 12, 1880, and section 2805a passed march 25, 1880, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from an after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 910.]

#### AN ACT

To amend section 7275 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7275 of the revised statutes of Ohio be amended so as to read as follows:

Section 7275. The jurors summoned, as provided by sections seventy-two hundred and sixty-seven, seventy-two hundred and sixty-eight, and seventy-two hundred and sixty-nine, or such of them as are not set aside on challenge, together with so many of the bystanders having the qualifications aforesaid as will make up the number of twelve, or, if the whole array be set aside, twelve of such bystanders having the qualifications aforesaid, as may not be set aside on challenge, shall be a lawful jury for the trial of the prisoner charged with an offense the punishment of which is capital: provided, that either party may demand and have a special venire to fill the panel, as provided in section fifty-one hundred and seventy-three.

What shall be  
a lawful jury  
for trial of a  
person  
charged with  
capital of-  
fense.

SEC. 2. That said original section seventy-two hundred and seventy-five be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 720.]

#### AN ACT

To amend section one thousand three hundred and nineteen of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one thousand three hundred and nineteen of

the revised statutes be and the same is hereby amended so as to read as follows:

How costs entered on judgment and on record.

Section 1319. On the rendition of judgment in any cause, the costs of the party recovering, together with his debt or damages, shall be carried into his judgment; and the costs of the party against whom judgment is rendered shall be stated in a separate clause of the record, or docket entry; but no party in whose favor judgment for costs has been, or may hereafter be rendered in any cause, shall have power to release, satisfy, or discharge, in whole or in part, any of such costs, unless the same shall have been previously paid by such party to the clerk of the court, or to the person entitled thereto, or the same shall have been legally assigned, or transferred to such party by the person or persons in whose name or names such costs stand taxed upon the record, or docket.

Sec. 2. That said original section one thousand three hundred and nineteen be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 643.]

#### AN ACT

Making appropriations to pay the principal and interest on the public debt, and the expenses of the commissioners of the sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys that may be in the treasury, or that may come into the treasury, by transfer or otherwise, belonging to the sinking fund, the following sums for the purposes herein named, to wit:

For the payment of the principal of the funded debt, one million two hundred and seventy-two thousand six hundred and forty dollars and thirty cents (\$1,272,640.30), and any further sum that may be in the treasury to the credit of the sinking fund not necessary for the payment of the interest on the public debt of the state.

For the payment of interest on the foreign debt, three hundred and eighty-eight thousand three hundred and fifty-eight dollars and forty-two cents (\$388,358.42), or so much thereof as may be necessary to pay the interest falling due July 1, 1881, and January 1, 1882.

For the payment of interest on the trust funds, which constitute the irreducible debt of the state, the following sums, to wit:

For the interest on the school and ministerial funds, two hun-

dred and twenty-eight thousand two hundred and thirty-six dollars and sixty-one cents (\$228,236.61).

For the interest on the Ohio university fund, one hundred and sixty-two dollars and four cents (\$162.04).

For the interest on the Ohio state university fund, thirty-three thousand nine hundred and twenty-two dollars and sixty-seven cents (\$33,922.67).

For payment of expenses of the office of the commissioners of the sinking fund, two thousand dollars (\$2,000).

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 683.]

AN ACT

To amend section 6992 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6992 of the revised statutes of Ohio be so amended as to read as follows:

Section 6992. Whoever prescribes or practices, or attempts to practice, medicine in any of its departments, or performs, or attempts to perform, a surgical operation, without having attended two full courses of instruction and graduated at a school of medicine, either in this or a foreign country, or who cannot produce a certificate of qualification from a state or county medical society, except that when a person has been continuously engaged in the practice of medicine for a period of ten years or more, he shall be considered to have complied with the provisions of this chapter, and when a person has been in continuous practice of medicine for five years or more, he shall be allowed two years in which to comply therewith, shall, for the first offense, be fined not more than one hundred nor less than fifty dollars, and for any subsequent offense be imprisoned for the term of thirty days.

Practicing  
medicine or  
surgery with-  
out qualifica-  
tion.

SEC. 2. That section 6992 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 695.]

## AN ACT

To amend section 321 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and twenty-one be amended to read as follows :

Award of contract for printing, mode of determining.

Section 321. The commissioners of printing shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open all such proposals by them received, and they shall, on careful examination and computation, award the contract for each class of printing to the lowest responsible bidder therefor ; but should the commissioners be of the opinion there was collusion between the bidders, or the lowest proposal or proposals are too high, they may reject any or all bids, and re-advertise for two weeks for proposals for such classes of printing as are not awarded, and proceed to relet said printing as is provided in this and the preceding section, or they may, if they think it to the best interests of the state, contract with any responsible party or parties, who file a bond or bonds for the execution of the work as provided in the preceding section ; should the commissioners advertise the second time for proposals and they are satisfied there has been collusion between the bidders, or the lowest bid or bids are too high, they may reject any or all of such bids, if in their opinion it will be for the best interests of the state, and contract with any party or parties who file a bond or bonds as above provided for the execution of the class, or classes of printing not awarded. Nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the lowest bidder therefor. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interests of the state, having reference, however, to a division of the work, as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders shall propose for the same contract, and the proposal of one shall be lower on composition, and that of another lower on presswork, then the commissioners shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract for such class to the lowest aggregate bidder, for such class as shall appear by such computation. All printing under this act must be executed within the state, and all appertaining to the first and fifth classes must be executed at the city of Columbus. The necessary expense of the transportation of paper, proof or printed sheets, to and from Columbus, shall be defrayed by the contractor.

SEC. 2. Original section three hundred and twenty-one is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 740.]

AN ACT

To supplement section 2673 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to section 2673 of the revised statutes, with sectional numbering as follows, to wit:

Section 2673a. That the council of any city which has not a board of improvements, or board of public works, shall have power, three-fifths of all the members elected thereto agreeing, to sell or lease any real estate, and buildings thereon, owned by such city, and place the proceeds thereof to the credit of such fund as they may deem proper. Provided, that such sale or lease shall not be made until a regular annual election for councilman shall have been held in such city after public notice of such proposed sale or lease shall have been publicly proclaimed, and the newly-elected members having qualified and taken their seats.

Council of  
 certain cities  
 may sell or  
 lease real  
 estate.

Section 2673b. That it shall be the duty of the mayor, on the written application of two members of the council of such city, to give notice in two newspapers published, or of general circulation in such city, of the proposed lease or sale, for two weeks next preceding said election.

Mayor to give  
 notice of pro-  
 posed lease or  
 sale.

Section 2673c. If the council, by the required majority, pass an ordinance authorizing the sale or lease of such property, it shall be the duty of the mayor to execute the necessary lease or leases, deed or deeds.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 312.]

## AN ACT

To amend section 6842 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6842 of the revised statutes of Ohio be so amended as to read as follows :

Embezzle-  
ment by offi-  
cer, agent,  
employes, etc.,  
how pun-  
ished.

Section 6842. An officer, attorney-at-law, agent, clerk, guardian, executor, administrator, servant, or employe of any person, except apprentices and persons under the age of eighteen years, who embezzles, or converts to his own use, or fraudulently takes, or makes away with, or secretes, with intent to embezzle or convert to his own use, anything of value which shall come into his possession by virtue of his employment or appointment as such guardian, executor, or administrator; and an officer, elected or appointed to an office of public trust or profit in this state, and an agent, clerk, servant, or employe of such officer, or of a board of such officers, who embezzles or converts to his own use, or conceals with such intent anything of value that shall come into his possession, by virtue of his office or employment, is guilty of embezzlement, and shall be punished as for the larceny of the thing embezzled.

SEC. 2. Said original section 6842 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Substitute for Senate Bill No. 263.]

## AN ACT

To amend section 148 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and forty-eight of the revised statutes of Ohio be so amended as to read as follows :

Fees of secre-  
tary of state.

Section 148. The secretary of state shall, except when required by state officers in the discharge of their official duties, collect the following fees for copies furnished from his office, to be paid by the persons applying therefor :

For a copy of any document or part thereof, ten cents per hundred words; for affixing seal of office to copies, fifty cents; for testing the registration of gas meter provers, to be paid by the persons requiring such service, five dollars for each meter prover tested. He shall keep a complete record of all fees collected in



his office and may retain of the fees so collected in any one year, a sum not to exceed one thousand dollars; and the balance he shall pay into the state treasury.

SEC. 2. Said original section 148 is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 333.]

#### AN ACT

To authorize the appointment of an assistant by the inspector of mines.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be and the same is hereby made section 306a of the revised statutes of Ohio:

Section 306a. The inspector of mines may, with the approval of the governor, appoint an assistant, who shall be a practical miner of not less than five years' experience, and who shall perform such duties as may be required by the inspector, and receive a salary at the rate of twelve hundred dollars (\$1,200) per annum, and the inspector may, with the consent of the governor, remove such assistant at pleasure and appoint a successor, and may allow the assistant traveling expenses out of his contingent fund.

Assistant  
mine in-  
spectors.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 383.]

#### AN ACT

To amend section twenty-eight hundred and seventy-two (2872) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2872, revised statutes, be amended so as to read as follows:

Section 2872. The county auditor, or his deputy, shall attend all such sales of delinquent lands and lots, made by the treasurer of his county, and shall make a record thereof in a substantial book, therein describing the several tracts of land and lots sold at

County audi-  
tor or deputy  
to attend sales  
of delinquent  
lands.

To forward  
copy of record  
of sales to  
auditor of  
state.

said sale, as the same shall have been described in the advertisement aforesaid, and stating how much of each tract of land or lot was sold, and to whom sold; and if any tract or lot shall remain unsold for want of bidders, he shall so enter it in a substantial book kept for that purpose in the county auditor's office, to be designated the forfeited land record of said county; and the auditor shall make out and certify a copy of all lands forfeited at each annual delinquent tax-sale, and forward the same to the auditor of state each year at the time of making the settlement with the county treasurer, next after such sale.

SEC. 2. That original section 2872 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 431.]

#### AN ACT

To amend sections 2133 and 2134 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two thousand one hundred and thirty-three, and two thousand one hundred and thirty-four of the revised statutes of the state of Ohio be so amended as to read as follows:

Milk, meat,  
butter, and  
cheese in-  
spectors.

Section 2133. The board of health may appoint such number of inspectors of milk and meat, and such number of inspectors of butter and cheese, and substances purporting to be butter or cheese, or having the semblance of butter or cheese, and as many market-masters and such other persons as may be necessary to carry out the provisions of this chapter, define their duties and fix their compensation; and such inspectors of milk shall keep, for public inspection, a record of the names and places of business of all persons engaged in the sale of milk.

Places where  
milk, butter,  
cheese, etc.,  
are made, sub-  
ject to inspec-  
tion.

Section 2134. All dairies, including the cows, cow-stables, milk-houses, and milk-vessels, the owners of which offer for sale within the limits of the corporation milk or butter manufactured by such owners, shall be subject to inspection by the inspectors, and also any manufactory of butter or cheese, or of substances having the semblance of butter or cheese, or places where such substances or either of them are sold, shall be subject to inspection by the inspectors; that officer may enter any place where milk is sold or kept for sale, and all carriages used for the conveyance of milk within the corporate limits; and also any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese are manufactured, or any place where such substances are sold or kept for sale within the corporate limits; and whenever he has any reason to believe milk found therein

is impure or adulterated, or any butter or cheese, or substances having the semblance of butter or cheese found therein contain any impure, unwholesome or deleterious substance, or is being sold or offered for sale under any false or deceptive name or designation, that any butter or cheese not made from pure cream or milk or any substance having the semblance of butter or cheese, is being sold or offered for sale without being branded or stamped as required by section 7090, he shall take specimens thereof and subject them to satisfactory tests; or, if the board of health so direct, to chemical analysis, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyst, shall be admissible in evidence in all prosecutions under this chapter, or any law of this state.

Analysis of  
milk, butter,  
etc.

SEC. 2. Said original sections 2133 and 2134 are hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 976.]

#### AN ACT

To authorize the commissioners of certain counties to purchase sites and erect thereon necessary buildings for children's home.

[PERRY AND TUSCARAWAS COUNTIES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in counties which, at the last federal census, had a population of not less than twenty-eight thousand two hundred, and not more than twenty-eight thousand and three hundred, and in counties having a population of not less than forty thousand one hundred and not more than forty thousand three hundred, the county commissioners are hereby authorized to purchase a suitable site and erect thereon necessary buildings, or to purchase a suitable site with buildings already erected thereon, to be styled and used as the children's home for such county; and said commissioners are hereby vested with all the powers, right and authority given by section nine hundred and twenty-nine of the revised statutes of Ohio, to county commissioners to make such purchase and provide means of payment therefor, and to receive and hold property in that behalf; and said children's home shall be governed, supported and conducted as provided by the revised statutes of Ohio relating to children's homes for counties: provided, however, that in counties having such population of twenty-eight thousand two hundred nor more than twenty-eight thousand three hundred, that not more than eight thousand dollars shall be expended in the purchase of a site and buildings; and provided that

in counties having such population of not less than forty thousand one hundred and not more than forty thousand three hundred, that not more than twenty-five thousand dollars shall be expended in the purchase of said site and buildings, and provided further, that the said commissioners may transfer and use for such purpose any surplus funds arising in the county from the tax on dogs and not otherwise disposed of.

SEC. 2. This act shall take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 456.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same,

[BLANCHARD TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand five hundred and ninety-three (1593), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a

special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for two successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township: further provided, a majority of said electors voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said

treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[Senate Bill No. 412.]

## AN ACT

To authorize certain incorporated villages to build railroads, and to lease or operate the same.

[BLOOMINGBURGH.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any incorporated village, which by the federal census of 1870 had, and which by any federal census may have, a population of three hundred and twelve, the village council thereof shall, by a resolution passed by a two-thirds vote of the members elected thereto, declare it to be essential to the interest of such village, that a line of railway, to be named in said resolution, should be provided between termini designated therein, said village to be in the line thereof, it shall be lawful for the village council of such village to borrow as a fund for that purpose, not to exceed five thousand dollars, and to issue bonds therefor, bearing interest not to exceed six per centum per annum, payable semi-annually, in such sums as shall be deemed best by said council; such bonds to be issued in the name of such village, under the corporate seal thereof, and payable in equal installments in one, two, three, and four years from their date; said bonds shall be signed by the mayor, and attested by the clerk of said village; and the said clerk shall keep a register of the same, and the faith of the village shall be pledged for the redemption of said bonds; and it shall be the duty of the council of such village, annually, to levy sufficient tax to pay the interest on and provide a sinking fund for the final redemption of said bonds; and said bonds shall not be sold or disposed of for less than their par value; provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to the qualified electors of such village, at a special election to be ordered by a resolution passed by a two-thirds vote of all the members of such village council, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such village, and by publishing a notice for three successive weeks in a newspaper published and of general circulation in such village; and further provided, that two-thirds of said electors voting at such election shall be in favor of thus building such line of railway. The returns of such election shall be made and duly certified by the corporation clerk to the council, who shall declare the result of the same by resolution.

SEC. 2. The said village council shall have the control and disbursement of said funds, and shall expend the same in procuring right of way, depot grounds, and constructing said railway, with all necessary appendages; and for that purpose shall have power and capacity to make contracts, and to appoint and employ, and pay, officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchise for that purpose.



SEC. 3. The said village council shall keep a full record of their proceedings, and they shall also cause to be kept a full and accurate account of their receipts and expenditures in the construction of said line of railway.

SEC. 4. Said council shall have power to acquire and take such security from any officer, agent, or contractor chosen, appointed, or employed by them, as they may deem advisable. The members of said council shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway.

SEC. 5. Whenever, in the construction of said line of railway as herein provided, it shall be necessary to appropriate any land for right of way, depot purposes, rights, or franchises, proceedings shall be commenced and conducted in all respects in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," and the acts amendatory thereto.

SEC. 6. Said council, when said piece of railroad is completed, shall have power to sell, lease, or operate the same upon such terms and conditions as they may deem best for the interests of said village.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[Senate Bill No. 308.]

#### AN ACT

To authorize the issue of bonds to supply certain deficiencies in cities of the first grade of the first class, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works in cities of the first grade of the first class, may authorize its president and the comptroller to execute, sign, and issue an amount of the bonds of said corporation as may be necessary to supply deficiencies existing in the several funds of such city January 1, 1881. Said bonds to be made payable in twenty years from their issue, redeemable in ten years, at the option of the trustees of the sinking fund of said city, and to bear not less than four, nor more than four and one-half per centum per annum interest, interest payable semi-annually, to be sold at not less than par, after advertising the sale thereof for ten successive days in at least two newspapers of general circulation in the corporation: provided, however, that the amount of bonds herein authorized to be issued shall not exceed the sum of five hundred thousand dollars.

Board of public works in Cincinnati may issue bonds to supply deficiencies.

Comptroller  
to place pro-  
ceeds of sale  
of said bonds  
to credit of  
several funds.

Trustees of  
sinking fund  
to provide for  
payment of  
such bonds.

Said trustees  
to pay out of  
earnings of  
southern rail-  
road certain  
claims.

SEC. 2. The comptroller of said city shall place the proceeds of the sale of said bonds in the treasury thereof, to the credit of the several funds in the amount of the respective deficiencies, and draw his warrant against the same in payment of outstanding claims, including unpaid judgments, equitably due therefrom; provided, however, that before any warrant shall be drawn, or any of said claims paid as hereinbefore provided, they shall be approved by the city solicitor, chairman of the finance committee of the common council, and comptroller of said city; provided, further, that no claim shall be presented, or allowed, except such as were subsisting claims January 1, 1881.

SEC. 3. Said trustees of the sinking fund shall provide for the payment of the principal and interest of said bonds as the same shall become due, in the same manner that they are required by law to provide for other bonded indebtedness of said city.

SEC. 4. Said trustees of the sinking fund may at their discretion pay out of the net earnings of the Southern railroad of said city, placed to the credit of the interest account as provided by law during the year 1881, any claim existing against said city January 1, 1881, for temporary loans not otherwise provided for on the approval of the city solicitor; provided, said loans with all claims for interest do not exceed the sum of three hundred and seventy thousand dollars.

SEC. 5. The rate of the annual tax authorized to be levied by said city shall not be increased by anything in this act contained.

SEC. 6. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 400.]

#### AN ACT

To amend section 2903 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-nine hundred and three of the revised statutes of Ohio be amended to read as follows:

Section 2903. The auditor of state shall, annually, enter in the said book, all the lands, which shall hereafter become forfeited to the state for the non-payment of taxes; and the several county auditors, once in two years, between the first Monday of September and the first day of October, shall make out a list of all forfeited lands and lots, and forward the same to the auditor of state, who shall, after comparing the same with the record of forfeited lands in his office, and correcting any errors or omissions in said list,

return the said list to the several county auditors, who shall proceed to sell the same, agreeably to the provisions of this chapter; and all lands and lots so offered for sale and not sold for want of bidders, and all lands and lots so forfeited, which, for any cause, have not been, or hereafter shall not be, so offered, shall be offered for sale under the provisions of this chapter, and, not sold for want of bidders, shall be again advertised and offered for sale, by the county auditor, and [at] the next subsequent sales by him made, under this chapter, until such lands and lots shall be sold.

The sale of  
forfeited  
lands.

SEC. 2. That said original section twenty-nine hundred and three be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 418.]

AN ACT

To amend section 6964 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-nine hundred and sixty-four of the revised statutes be amended as follows:

Section 6964. Whoever purchases, sells, exposes for sale, or has in his possession any of the birds, game, or animals mentioned in sections sixty-nine hundred and sixty, sixty-nine hundred and sixty-one, and sixty-nine hundred and sixty-three, caught or killed during the time when the killing thereof is made penal, shall be fined not exceeding twenty-five dollars nor less than two dollars, or be imprisoned not more than thirty days, or both.

Exposing for  
sale game  
killed in vio-  
lation of law.

SEC. 2. Said original section sixty-nine hundred and sixty-four is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 265.]

AN ACT

To provide for the examination and payment of certain military claims, and making an appropriation therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state and attorney-general, with the

Auditor of  
state and at-  
torney-gen-  
eral to audit  
certain  
claims.

adjutant, shall constitute a committee for the purpose of examining, adjusting, and allowing such claims as shall be presented to them previous to July 1, 1881, and which shall, in the opinion of said committee be just and proper, growing out of military transactions, and are of the same nature as were provided for by act of the general assembly of the state of Ohio, passed April 6, 1866, and acts amendatory thereof and supplementary thereto, and which have not been adjusted by the board of commissioners therein constituted.

Committee to  
have power to  
take testi-  
mony.

SEC. 2. The said committee shall have the same power to take testimony, and shall be governed in their deliberations as provided for by the act referred to in the previous section, and payment of the claims allowed by the said committee shall be made by the officers of the state of Ohio, the claims of the longest standing to be settled and paid first to the claimants themselves, and not to claim agents.

Appropriation.

SEC. 3. There is hereby appropriated out of any money in the treasury to the credit of the general revenue, and not otherwise appropriated, the sum of three thousand dollars for the payment of the claims that may be allowed and certified by the committee appointed by this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 474.]

#### AN ACT

Supplementary to section 7090 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to chapter eleven (11), title one (1), part four (4) of the revised statutes of Ohio, with sectional numbering as follows:

Mixing oleaginous part of horse, hog, or dog in butter.

Section 7090a. Whoever shall mix or compound in any form any portion of the oleaginous part of the horse, hog, or dog, in any substance called butter, and shall sell or offer for sale such compound, as butter, shall be deemed guilty of a misdemeanor, and, on proof of same, shall be fined not less than fifty nor more than five hundred dollars, and be confined in the county jail not less than thirty nor more than one hundred days, or both, at the discretion of the court.

SEC. 2. This act shall be in force on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 26, 1881.

[House Bill No. 529.]

## AN ACT

To amend section 648 of the revised statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and forty-eight of the revised statutes of Ohio of 1880 be so amended as to read as follows:

**Section 648.** The steward or other financial officer of each institution, before entering upon the discharge of his duties, shall give bond to the state of Ohio in the sum of ten thousand dollars, with sureties to the satisfaction of the board of trustees, conditioned that he will faithfully and honestly perform the duties of his office, and pay over and account for all moneys and property which may come into his hands by virtue of his office, belonging to the state or to any other person, which bond shall be filed in the office of the treasurer of state. The bond given by said financial officer may be increased at the discretion of and by a vote of the majority of the board.

Steward to  
give bond.

**SEC. 2.** That section six hundred and forty-eight be and the same is hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

Passed April 20, 1881. R. G. RICHARDS,  
*President pro tem. of the Senate.*

[House Bill No. 635]

## AN ACT

To amend section 3324 of the revised statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 3324 of the revised statutes be amended so as to read as follows:

**Section 3324.** A company or person having control or management of a railroad shall construct, or cause to be constructed and maintained in good repair on each side of such road, along the line of the lands of the company owning or operating the same, a fence sufficient to turn stock; and before operating such road shall cause to be maintained at every point where any public road, street, lane, or highway, used by the public, crosses such railroad, safe and sufficient crossings, and on each side of such crossings, cattle-guards sufficient to prevent domestic animals from going upon such railroad, and such company or person shall be liable for all damages sustained in person or property in any manner by reason of the want or insufficiency of any such fence, crossing or cattle-guard, or any neglect or carelessness in the construction thereof, or in keeping the same in repair. Provided that, when any road now in progress of construction or any proposed road passes through any enclosed land, that the company or

Railroad companies must  
construct and maintain fences,  
crossings and cattle  
guards.

person having control of any such road shall, during the construction of the same, provide suitable crossings for the owner or occupant of each farm and make and keep in repair fences along the line of such road through such enclosed fields as are necessary to keep stock within the limits of such enclosed fields and protect any crops growing thereon; and further provided, that where the company or person agrees, with the owner of the lands through which any railroad passes, that said owner shall build and keep in repair any portion of the fencing, and should said fencing be destroyed or damaged by fire from passing trains, said company or person owning or operating such road shall rebuild or repair said fence, provided the property holder should demand it.

SEC. 2. That original section 3324 of the revised statutes of Ohio be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 665.]

AN ACT

To amend section 3240 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand two hundred and forty be so amended as to read as follows:

First election  
of trustees of  
corporation  
not for profit.

Section 3240. A majority of the subscribers of the articles of incorporation of a corporation formed for a purpose other than profit, may elect not less than five trustees of the corporation, who shall hold their office till the next annual election, or until their successors are elected and qualified; but in the case of institutions incorporated for the purpose of promoting education, science, or art, the regulations of such corporations may provide for the length of time said trustees shall hold their offices, the term thereof not to exceed in numbers of years the number of such trustees.

SEC. 2. That said original section (3240) three thousand two hundred and forty be and the same is hereby repealed; and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 719.]

## AN ACT

To provide for the support of certain orphans of deceased soldiers outside of the Ohio soldiers' and sailors' orphans' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the soldiers' and sailors' orphans' home are hereby authorized to contract, at a per capita not to exceed the current expense cost of supporting the children at the Xenia home, with the proper officers of any of the children's homes authorized by the laws of Ohio in the state, for the support of such children as are by existing law entitled to admission to the Xenia home, provided, that the total expenditure under this statute shall not exceed the sum of ten thousand dollars for any one year, from February 15th to February 15th of the succeeding year.

Trustees of soldiers' and sailors' orphans' home may contract for care of orphans outside of home.

SEC. 2. The trustees, in providing for such children under the provisions of this act shall, in appropriating the same among the several counties, be governed by existing law regulating the quota of each county of the state entitled to have the benefits of the provision made for the support of soldiers' and sailors' orphans, and shall provide in such contracts for having the right to visit and examine into the condition of such children in such homes, provided, that said trustees at their discretion may contract for the support of a greater number than that fixed by the quota in any county containing a national soldiers' home.

How trustees to apportion benefits of such provision.

SEC. 3. That the act entitled "an act to provide for the support of the soldiers' and sailors' orphans outside of the soldiers' and sailors' orphans' home in Xenia," passed April 13, 1880, (vol. 77, Ohio laws, 187), be and the same is hereby repealed; provided that nothing in this section shall operate to impair any rights to the appropriations made in said repealed act which have accrued heretofore; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 743.]

## AN ACT

To amend section thirteen hundred and six (1306) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen hundred and six (1306) of the revised statutes of Ohio be amended so as to read as follows:

Section 1306. In all felonies, when the defendant is convicted, the costs of the justice of the peace, police judge, or justice,

When costs  
in criminal  
case paid out  
of county  
treasury.

mayor, marshal, constable, and witnesses, shall be paid out of the county treasury and inserted in the judgment of conviction, so that, except in capital cases, the same may be paid to the county out of the state treasury; provided, in all such cases, when recognizances are taken, forfeited and collected, and in which there is no conviction, said costs shall be paid out of the county treasury.

SEC. 2. Section thirteen hundred and six be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 809.]

#### AN ACT

To amend section 1284 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve hundred and eighty-four of the revised statutes of Ohio be amended so as to read as follows:

Salaries of  
state officers,

Section 1284. Annual salaries shall be allowed as follows: To the governor, four thousand dollars; private secretary of the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant-general, two thousand dollars; assistant adjutant-general, fifteen hundred dollars; lieutenant-governor, eight hundred dollars; judges of the supreme court and supreme court commission, three thousand dollars each; judges of the court of common pleas, and of the superior court of Cincinnati, and the superior court of Montgomery county, two thousand five hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney-general, fifteen hundred dollars; members of the board of public works, eight hundred dollars each; engineers appointed by the board of public works, each, twelve hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, three hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matron and teachers of same, each, four hundred dollars; superintendent of Ohio soldiers' and sailors' orphans' home, one thousand dollars;



matron of same, four hundred dollars; superintendents of asylums for the insane, each, twelve hundred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each, four hundred dollars; superintendent of the reform school for boys, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for services while acting as clerk of snpreme court commission, five hundred dollars; deputy clerk for supreme court, twelve hunered dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of statistics of labor, two thousand dollars; supervisor of public printing, thirteen hundred dollars; and state commissioner of common schools, two thousand dollars.

SEC. 2. Said original section 1284 is hereby repealed.

SEC. 3. This act shall take effect on and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[Substitute for House Bill No. 962.]

#### AN ACT

Supplementary to chapter third, title one, division one, part second of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to chapter third, title one, division one, part second of the revised statutes of Ohio, with sectional numbering as herein provided:

Section 3140a. *Be it enacted by the General Assembly of the State of Ohio*, That when the parent, or parents, of any minor child, or children, shall be unable, through vagrancy, negligence, or misconduct, to support such child or children, or, if able, shall neglect or refuse to support such child or children, or when such parent or parents shall unlawfully beat, injure, or otherwise habitually ill-treat such child or children, or cause or allow them to engage in common begging, the probate court of the proper county, upon complaint by affidavit of some reputable citizen of the county in behalf of such child or children, setting forth facts bringing the case within this statute, may issue a summons requiring such parent, or parents, to appear and answer such complaint; and if, upon the hearing of the matters complained of, the court shall find the same to be true, and that it is for the best interest of such child or children to be taken from such parent or parents, the court may make an order to that effect, and direct the placing of

Parent of  
vagrant or in-  
corrigible  
child may be  
summoned to  
appear before  
probate court.

Order of court  
in such case.

such child or children in any suitable orphan asylum, or childrens' home, or with some other benevolent society, in the county, to be taken and cared for, and placed in homes found for them, by adoption or otherwise, by such asylum, childrens' home, or society, upon the same terms and conditions, as are required in case of other children given to such asylum, home, or society, and the proper officers of such asylum, childrens' homes, or society, are authorized to give the necessary consent in placing such children.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 267.]

#### AN ACT

To amend sections 4455, 4457, 4459, 4460, 4461, 4464, 4470, 4472, 4473, 4475, 4476, 4477, 4478, 4479, 4480, 4486, 4494, 4497, 4498, 4511, 4552, 4559, and 4560, and repeal sections 4471, 4557 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the state of Ohio,* That sections 4455, 4457, 4459, 4460, 4461, 4464, 4470, 4472, 4473, 4475, 4476, 4477, 4478, 4479, 4480, 4486, 4494, 4497, 4498, 4511, 4552, 4559 and 4560 of the revised statutes of Ohio be amended to read as follows:

Engineer  
must report  
an assessment,  
etc., of cost of  
ditches.

Section 4455. The commissioners shall, also, by their order, direct the surveyor or engineer to make and return a schedule of all the lots, and lands, and public or corporate roads, or railroads that will be benefited, with an apportionment of the cost of location, and the labor of constructing the improvement, in money, according to the benefits which will result to each, and a specification of the manner in which the improvement shall be made and completed, the number of flood-gates, water ways, farm-crossings and bridges necessary, including kinds and dimensions thereof, and all county and township lines and railway crossings.

When and  
how land  
owners to be  
notified.

Section 4457. Upon the filing of the report of the surveyor or engineer the auditor shall, without delay, fix a day for the hearing of the same; he shall prepare, and deliver to the petitioners, or any one of them, a notice in writing, directed to the resident lot or landowners, and to the authorities of municipal or private corporations, affected by the improvement, setting forth the pendency, substance, and prayer of the petition, together with a statement of the apportionment made to such person or corporation by the surveyor or engineer in his report, a copy of which notice shall be served upon each lot or landowner, and upon each member of any such public board or authority, and upon an officer or agent of such private corporation, or left at his usual place of residence, at least eight days before the day set for the hearing, and the person who serves the same shall make return on the notice under oath,

of the time, and manner of service, and file the same with the auditor, on or before that day, and the auditor shall, at the same time, give the like notice to each non-resident lot or landowner, or by publication in a newspaper, printed and of general circulation in the county for at least two consecutive weeks before the day set for the hearing, which notice shall be verified by the affidavit of the printer, or other person knowing the fact, and filed with the auditor, on or before that day.

**Section 4459.** If the commissioners find that the apportionment, reported by the surveyor or engineer, is unfair and unjust, and ought not to be confirmed, they shall so amend it as to make it fair and just, in proportion to benefits, and if necessary, in their opinion, they may adjourn the further hearing, not exceeding twenty days, unless for good cause, further time is necessary, to a day to be fixed by them and go upon the premises, and view the same and apportion the entire cost of location, and construction or any part thereof, as may seem just and proper, but if parties, not included in the engineer's apportionment, are found to be benefited, and are assessed by the commissioners, such parties shall be notified as provided in section four thousand four hundred and fifty-seven, and the commissioners shall, on the day fixed in said notice, again meet at the auditor's office and determine the apportionment.

County commissioners may change assessment.

**Section 4460.** At any time on or before the day set for hearing, after persons are notified, as provided in section forty-four hundred and fifty-seven, any person or corporation whose lands are taken, or affected in any way by the improvement, may make application to the commissioners in writing for compensation and damage, and a failure to make such application shall be deemed and held a waiver of all rights thereto, and any person or corporation may, at the same time, make an application in writing for a change or alteration of the line of the ditch through their premises.

Application for compensation and damages.

**Section 4461.** The commissioners shall, upon actual view of the premises, fix and allow such compensation for lands appropriated, and assess such damages as will in their judgment accrue from the construction of the improvement, to each person or corporation making application as provided in the preceding section, and without such application to each idiot, insane person or minor, owning lands taken or affected by the improvement; and they may, on the day set for hearing, or at the time of the view of the premises, provided in this section, take into consideration the applications for the change or alteration, as provided for in the preceding section, and if they find that such change or alteration will be equally beneficial, they may order the surveyor or engineer to go upon the line of the improvement and survey said change or alteration; and all expenses attending the making of said alteration and change, with increased cost of construction, if any, shall be charged to the party or parties benefited thereby, which shall be collected and paid by them as other assessments.

Commissioners to allow compensation and fix damages.

**Section 4464.** The probate judge shall file the transcript and the original papers, and docket the case, and the appellant shall be

Hearing of preliminary questions in probate court.

Transcript to be sent to county commissioners.

Cost where jury find for the improvement.

Costs when jury confirm the assessments.

When and how commissioners to sell out work.

plaintiff therein, and the county commissioners and petitioner, defendants, and the case shall be so styled, and thereupon he shall fix a day not exceeding five days thereafter for the hearing of all preliminary motions, and the examination of the papers so filed; on the day so fixed, all preliminary motions shall be heard and determined, as well as all questions arising upon the record, and if he find that the proceedings are irregular in substance, or that the appeal has not been perfected according to law, he shall dismiss the appeal at the cost of the appellant, and certify such dismissal with his findings thereon back to the commissioners; but the judge may, in his discretion, order and allow the correction of any technical defect, error, or omission in such proceedings.

Section 4470. The probate judge shall receive the verdict of the jury, and make a record thereof, together with all the proceedings before him, and shall thereupon tax the costs in favor of the prevailing party, and against the losing party; if more than one matter is appealed from and a party prevail as to one, and loses as to another, the court shall determine how much of the costs such party shall pay; but the costs on motions, continuances, and the like shall be taxed and paid as the court may direct. If there are several parties, upon the side taxed with costs, the court shall apportion the costs equitably between them. Said judge shall, immediately after the trial, make a transcript thereof, certify and transmit the same, together with all the papers in the case, with the bill of costs made in the probate court, to the auditor of the county, who shall thereupon notify the commissioners to meet at the auditor's office within five days from the date of the notice to determine the matters growing out of the appeal and verdict.

Section 4472. If the jury find that the improvement is necessary, and the same will be conducive to the public health, convenience, or welfare, and is practicable, the commissioners shall assess and apportion the costs as directed by the probate court, and order the auditor to place the same on the duplicate, to be collected as other taxes, and may in addition thereto sue upon bond given for the payment of the costs. And execution may be sued out of the probate court for the collection of any costs taxed against any party as is provided in section 4470, any costs taxed to the commissioners shall be paid out of the general county ditch fund.

Section 4473. If the jury find that the allowance for compensation and damages as made by the commissioners, fully compensate for all lands appropriated and damages sustained, the commissioners shall assess and apportion the costs as directed by the probate court, which shall be collected and paid as provided in section 4472.

Section 4475. In cases where appeals have been taken after the transcript of the proceedings before the probate judge, and all other papers in the case are returned to the auditor's office, the commissioners shall cause such entry to be made on their journal as may be necessary to give effect to the verdict and findings of the jury, and in such cases and in cases where no appeals have

been taken, they shall fix a time for the sale of the construction of the improvement at public outcry, in sections not less than one hundred feet nor more than two thousand five hundred feet in length, and shall cause notice to be given of the time and place of the sale, and direct the surveyor or engineer, who made the apportionment, or some other competent surveyor or engineer to attend at the time and place of sale to superintend and conduct the same, who shall receive all bids for the construction of the improvement, and make contracts with the lowest responsible bidders, and take good and sufficient bonds for the labor of the construction of the improvement, conditioned for the faithful performance of the contract so made, and for the completion of the work within time fixed in the contract, in a sum not less than double the estimated value of the part bid off, and contracted to be performed by each, and said engineer shall furnish each contractor with specifications of the part bid off by him.

Section 4476. No bid shall be entertained which exceeds the estimated value of construction; the surveyor or engineer shall sell first, the job or labor of the construction of the working section of the outlet or mouth of the improvement, and fix a day when the job shall be completed, not exceeding in any case one hundred and fifty days from the day of sale, and shall then sell each remaining working section in its order, up stream, and require the labor on each to be completed within a time so fixed that will, as nearly as practicable, secure an outlet for the water as each section is completed; he shall make contracts and take bonds as aforesaid, and report his doings to the commissioners within five days from the date of sale, and return the contracts and bonds to the auditor, who shall file and carefully preserve the same; the contracts and bonds shall be examined and approved or disapproved by the commissioners, who shall cause an entry of their decision to be made on their journal, and the contractors to be notified of the approval or disapproval of the contracts and bonds; and the contractor for each job shall be liable on his bond so given, for all delays after the expiration of the time named therein for the completion of the job, and for the payment of all damages which accrue by reason of the failure to complete the job within the time required in the contract therefor.

The sale,  
bonds of bidders,  
etc.

Section 4477. The work shall be done under the supervision of the surveyor or engineer, and when a part, not less than one-fourth of the portion included in any one contract is completed, in accordance with the specifications, he shall give to the contractor a certificate therefor, showing the proportional amount which the contractor is entitled to be paid by the terms of his contract, and the auditor shall, upon presentation of said certificate, draw his warrant upon the treasurer for eighty per centum of the amount, and the treasurer shall pay the same out of any funds in the treasury, applicable to such purpose, or if the commissioners have determined to issue bonds for the construction of such work, they may, if the contractor consents, pay in bonds, but proportioned amounts shall not be certified or paid unless the whole job amounts to more than one thousand cubic yards; when the whole

Engineer to  
superintend  
work and  
payments  
thereon.

contract is completed, the entire price shall be paid as per contract.

When a re-estimate and sale may be made.

Section 4478. A job not completed within the time fixed in the contract and bond, may be re-estimated by the surveyor or engineer, and resold by him to the lowest responsible bidder, or he may complete it at the expense of the contractor and bondsman, but such job shall not be resold for a sum greater than such estimate or re-estimate, nor a second time to the same party; a contract and bond shall be entered into as hereinbefore provided, but the commissioners may, for good cause, give further time to any contractor, not exceeding sixty days; the surveyor or engineer shall fix a time for the completion of the work resold, not exceeding sixty days from the date of the bond; a person or corporation who has sustained damages in consequence of the non-performance of such work, may bring suit for such damages in any court of competent jurisdiction, against any contractor failing to perform his contract, and recover damages as provided by law in other cases.

Commissioners to make assessments on benefited lands.

Section 4479. When the working sections of the improvement are let, as hereinbefore provided, and the costs and expenses of location and construction, and all compensation and damages are ascertained, the commissioners shall meet and determine at what time and in what number of assessments they will require the same to be paid, and order that the assessments, as made by them, be placed on the duplicate accordingly, against all the lots or lands, or corporate roads or railroads assessed; they shall also determine whether they will issue the bonds of the county to raise the money necessary to pay such costs and expenses, and if they so determine, the bonds may be issued for a term of years, not exceeding twenty, at a rate of interest not exceeding six per centum, per annum, payable semi-annually; and they shall cause an entry to be made upon their journal, setting forth their finding and determination under this section. (73 v. 181, § 13.)

Assessments to be entered in a special duplicate.

Section 4480. When the commissioners make an assessment, they shall cause an entry to be made, directing the auditor to make, and furnish to the treasurer of the county, a special duplicate with the assessments arranged thereon, as required by their order, and the auditor shall retain a copy thereof in his office, and all assessments shall be collected and accounted for by the treasurer as taxes; provided, that in cases when the assessments remain unpaid for one year after the same is placed upon the special duplicate, then, and in that case, the same shall be placed upon the general duplicate for collection as delinquent taxes.

When a ditch may be tiled.

Section 4486. If the commissioners, upon view of any proposed location, be requested, in writing, by a person owning, or having control of any lands through which the ditch will pass, to report in favor of an underground ditch or tiling through such lands, they may, if satisfied that the same will be equally beneficial, report and fix the capacity and specifications of the same, and estimate the additional expense on account thereof, if any, which shall be equitably apportioned to the lands benefited.

Section 4494. The commissioners shall require each surveyor

or engineer appointed by them under the provisions of this chapter, to enter into a good and sufficient bond, covering all the ditches upon which he may be appointed, with surety to be approved by them, conditional for the faithful performance of his duties, in a sum to be fixed by the commissioners; and an action may be brought on such bond by any person aggrieved by a failure of the surveyor or engineer to do his duty in the name of such party, and recovery may be had for his use and benefit; but if the county surveyor shall be appointed by the commissioners, under the provisions of this chapter, he shall be liable for his official bond for the faithful performance of his duties, and an action may be brought on such bond as aforesaid.

Commissioners shall require surveyor or engineer to give bond.

Section 4497. When a ditch needs to be cleaned out, any owner of any lot or tract of land, which was assessed for its construction, may make a statement to the county commissioners, in writing, setting forth such necessity, and the commissioners shall forthwith appoint a disinterested freeholder of the county, or a surveyor or engineer to examine the ditch, who shall be sworn to go upon the line thereof, and carefully make such examination, and make an estimate of the amount of money required therefor, and fix the portion thereof that the owner of each lot or tract of land, and each corporation, county or township assessed for the construction of the ditch, should be assessed for such cleaning out; and such assessments shall be made according to benefits, unless the necessity for the cleaning out arose from the act or neglect of any landowner or corporation, in which case such act or neglect shall be considered.

Petition for cleaning out ditch.

Section 4498. Such freeholder, or surveyor or engineer, shall return his estimate and assessments to the commissioners, in writing, who shall appoint a day for hearing the same, and direct a like notice to be given to all land and lot owners, and corporations affected thereby, as is provided in this chapter, in case of the apportionment in the construction of a ditch, when they may make such changes therein as they may deem right and proper; they shall enter upon their journals the assessments as approved by them, and the auditor shall place the same upon the duplicate against the lands upon which they are assessed, to be collected as other taxes; the work of cleaning out the ditch shall be advertised, sold and let, and the contracts therefor performed as provided in this chapter; and the contractor shall be paid by the warrant of the auditor on the county treasurer, out of the assessments so made, and paid upon the certificate of such freeholders, or surveyor, or engineer, that he has performed his contract; but if at the presentation of any certificate, all the assessments have not been paid, payments shall be made thereon pro rata.

Notice to landowners and proceedings thereon.

Section 4511. The trustees of any township may, whenever, in their opinion, the same will be conducive to the public health, convenience or welfare, cause to be established, located and constructed, as hereinafter provided, any ditch within such township, and for that purpose may cross a railroad, turnpike road, or do any other thing necessary or proper to promote said purpose.

Township trustees may establish ditches.

How town-  
ship ditch  
may be al-  
tered or

What taxes  
or assess-  
ments are not  
void.

Only party  
injured can  
have relief.

Section 4552. The trustees shall have the power to cause any ditch, located and constructed under any law, to be altered, deepened, widened, enlarged, or repaired, and the same proceedings shall be had so far as is applicable, as is required in the location and construction of the same; and in all cases the expenses thereof shall be apportioned in the same manner as is provided herein for original construction.

Section 4559. The collection of taxes, or assessments levied or assessed, or ordered to be levied or assessed, to pay for the expense of location, or for the construction of any ditch, laid out or constructed under and by authority of this chapter, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the township clerk, or by the trustees of a township in the location and establishment thereof, nor by reason of any error or merely technical informality appearing in the petition or record of the proceedings, nor by reason of any want of notice by which such ditch shall have been located and established.

Section 4560. The court, in which any proceeding is pending to reverse or declare void that portion of the proceedings of the trustees by which any taxes or assessments were levied or assessed, or ordered to be levied or assessed, to pay for the location or construction of a ditch, or to enjoin the tax levied or assessed, or ordered to be levied or assessed, to pay for the labor or fees aforesaid, shall, if there be manifest error in said proceedings, allow the plaintiff in the action to come in, and show wherein he has been injured thereby; and the journal containing the record of the proceedings of the trustees of said ditch, or a certified copy thereof, shall be prima facie evidence of such indebtedness, and of the manner in which the same was made; and the court shall allow the trustees or any of the parties interested to show the lawfulness of the proceedings had in the case; and the court on the final hearing, may make such order in the case as shall be just and equitable, and shall order the costs of the proceedings before it to be paid by the parties as justice may require.

SEC. 2. That said original sections 4455, 4457, 4459, 4460, 4461, 4464, 4470, 4471, 4472, 4473, 4475, 4476, 4477, 4478, 4479, 4480, 4486, 4494, 4497, 4498, and 4511, 4552, 4557, 4559, 4560 of the revised statutes of Ohio are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage; and shall affect pending proceedings or suits so far as the nature of the foregoing provisions are applicable.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.



To authorize certain townships to build railroads, and to lease or operate the same.

[PULASKI TOWNSHIP, WILLIAMS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, or which by any subsequent federal census may have a population of thirty-five hundred and forty-seven the township trustees thereof shall, on the petition of not less than twenty resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, one of which shall be in such township, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two (2) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; and further provided, two-thirds of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section of this act, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the

blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, such bond to be served, [several] and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the

recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the bondholders of said township bonds, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, if necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board, except that the oath and verdict of the jury, and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railway already partially constructed, or right of way acquired therefor, which can be adopted as part or parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever in the construction of a line of railway, as herein provided, the board of trustees shall have power to lease

the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as is cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[Senate Bill No. 235.]

#### AN ACT

To provide for the appointment of special policemen in state public institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to chapter one, title five, part one, of the revised statutes of Ohio, with sectional numbering as follows, to wit:

Policeman at  
state institu-  
tion.

Section 633a. Upon the application and recommendation of the board of trustees of any state public institution, the governor shall commission an employe of such institution to be designated by the superintendent, to be a special policemen thereof; and such officer shall take an oath of office and have power to protect the property of such institution, to suppress riots, disturbances, and breaches of the peace, and to enforce all laws for the preservation of good order, and may, upon view or information, without warrant, arrest any person trespassing upon the grounds or destroying the property of such institution, or violating any of the laws of the state, and bring such person so offending before the mayor or any justice of the peace within such township, to be dealt with according to law. This act shall not be construed to authorize an additional employe in any institution.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 939.]

AN ACT

To provide for the adjournment of decennial city boards of equalization in cities of the first grade of the first class, and for the revision of their action.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the first class, the decennial city board of equalization heretofore appointed under the provisions of section 2815 of the revised statutes of Ohio, shall temporarily adjourn on or before the 21st day of November, 1881.

Adjournment  
of decennial  
board of  
equalization  
in cities of  
first class.

SEC. 2. That on the first Monday of December, 1881, said board may again meet whose session shall not be held for a longer period than sixty days for the consideration only of such of its previous acts as the county auditor, or any tax-payer may present to it for revision, and said auditor shall give public notice of the meeting of said board.

When board  
may again  
meet.

SEC. 3. And in all other respects, except those mentioned in section one and two of this act, said board shall be governed by the laws passed for the government of decennial boards of equalization.

How such  
boards gov-  
erned in other  
respects.

SEC. 4. That said board shall have power to cite any owner of real estate before it, compel his or her attendance, examine witnesses, and administer any oath which it may deem necessary to the proper discharge of its duties.

Board may  
compel at-  
tendance of  
owners of real  
estate, exam-  
ine witnesses,  
or administer  
oaths, etc.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 791.]

AN ACT

To provide for improving the heating and ventilation of the state house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the adjutant-general, treasurer, and secretary of state be, and they are hereby authorized and directed to make such

Improvement  
of heating and  
ventilation of  
capitol.

alterations and improvements in the heating, ventilation, sewerage and paving in basement and for the better lighting of the rotunda of the state house as in their judgment the permanency of the building and the health and comfort of its occupants may demand; provided that the total cost of said improvements and alterations shall not exceed the sum of twenty thousand dollars (\$20,000.00).

SEC. 2. Said officers, in making said alterations and improvements, shall in all respects be governed by the provisions of chapter 1, title 6, of the revised statutes of Ohio, relating to public buildings.

Appropriation.

SEC. 3. That there is hereby appropriated for this purpose the sum of twenty thousand dollars (\$20,000).

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 952.]

#### AN ACT

To authorize certain cities to build railroads, and to lease and operate the same.

[FREMONT.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any city of the second class, which by the federal census of 1880 had, and which by any subsequent federal census may have a population of eight thousand four hundred and ten (8410), the city council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such city that a line of railway to be named in said resolution, should be provided between termini designated therein, and situated wholly or partly in said city, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of twenty-five thousand dollars, and to issue bonds therefor in the name of said city under the corporate seal thereof, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board and the mayor of said city, and attested by the clerk or auditor of said city, who shall keep a register of the same, and they shall be secured by the pledge of the faith of said city, and a tax which it shall be the duty of the council, annually, to levy (which tax shall not exceed three mills on the dollar in any one year) in addition to the amount otherwise authorized by law to pay interest and provide a sinking fund for

the final redemption of said bonds; which sinking fund said city council shall from time to time as it accumulates invest in the bonds of the city bearing interest, or other interest bearing securities, until the principal of said bonds become payable; provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution, shall be submitted to a vote of the qualified electors of said city, at a special election to be ordered by the council thereof, of which not less than twenty days' notice shall be given by publishing for three successive weeks such notice in a newspaper printed in the county wherein such city is located, and of general circulation in such city; further provided, that unless two-thirds of said electors voting at such election, shall decide in favor of said railway, the powers herein shall not be exercised. The returns of said election shall be made to the city clerk, and by him laid before the city council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the city solicitor forthwith to file a petition in the court of common pleas in which said city is situated, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said city, to be called the trustees of \_\_\_\_\_ railway, (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge either in term time or in vacation to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the city in such sum as the judge may direct, with one or more sufficient sureties, to be approved by the judge, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the treasurer of the city for safe-keeping.

SEC. 3. The said board of trustees and their successor, shall be trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph, between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property, and franchises. They shall also have power to receive donations of land, money, bonds and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and they shall hold regular meetings for the transaction of business, at their office in the city under whose action they are

appointed, but they may adjourn from time to time to meet at any time they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the city council, annually, and whenever requested so to do by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the city council and allowance by the court appointing them, and shall be apportioned according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the city council of such city shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be the duty of the council to instruct the city solicitor to apply to the court that appointed said board of trustees, by petition, praying that such trustee be removed, and another be appointed in his place; and if the said solicitor shall fail to make application after the request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such city, such bondholder, or tax-payer may file a petition in his own name on behalf of the holders of such bonds for like relief in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of municipal corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, they shall have right to do so, upon such terms as the city council, or other authorities having control thereof may prescribe.



SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company that will conform to the terms and conditions which shall be fixed and provided by the city council of the city by which the line of railway is owned, which terms may be fixed on said completion or any time prior thereto.

SEC. 11. That said city council may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said city, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such city providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 933.]

#### AN ACT

To amend section five (5) of an act entitled "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and the collection of tolls. Passed March 28, 1840.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5 of an act entitled "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and the collection of tolls, passed March 28, 1840, numbered as section 7760 in the revised statutes be amended so as to read as follows:

Section 5. Every person who shall lead, drive, or ride any horse, ox, or ass, mule, or other animal upon the towing-path, or the bank opposite the towing-path of any canal authorized by the laws of this state, except for the purpose of towing boats or other floating things upon the waters thereof, and except for the purpose of conveying articles to and from said canals, in order to their transportation on the waters of the same, or their delivery at their place of destination, or except upon such conditions as may be prescribed by the board of public works, shall forfeit for every

Leading,  
driving, etc.,  
animal along  
tow-path or  
bank of canal.

such offense the sum of five dollars, and pay all damages consequent upon such offense over and above the said forfeiture.

SEC. 2. That the said original section five be and the same is hereby repealed, and this act shall take effect from its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 900.]

AN ACT

To amend an act entitled "an act to amend section 761 of the revised statutes of Ohio." Passed April 17, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 761 of the revised statutes of Ohio be amended to read as follows:

Power of governor as to juvenile offenders.

Section 761. The governor may, upon the written application of the superintendent of the reform farm school, or when it otherwise is made to appear to him that it is expedient, cause any juvenile offender, confined in the penitentiary, or in any house of refuge, to be transferred to the reform school, the expense of such removal to be paid by the state: and any person so removed from the penitentiary, or sentenced to the penitentiary, shall, while at the reform school, be governed by the same rules and regulations, relative to deportment and discharge, as other persons committed to said institutions; and the governor may, for satisfactory reasons, remand to the penitentiary, offenders so transferred to the reform farm, to serve out whatever there remains of the period covered by the sentence.

SEC. 2. Said act entitled "an act to amend section 761 of the revised statutes," passed April 17, 1880, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 783.]

AN ACT

To amend sections sixty-three, sixty-six, and seventy, and to repeal section seventy-six of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections sixty-three, sixty-six, and seventy, of the revised statutes be amended so as to read as follows:

**Section 63.** There shall be printed, in pamphlet form, the number hereinafter stated of each of the annual reports of the following officers and boards:

Number of  
annual reports  
to be printed.

**Auditor of state**, including detailed statement of receipts and disbursements—For the auditor, nine hundred copies; for the general assembly, fifteen hundred copies.

**Secretary of state**, including statistics—For the secretary, five thousand copies; for the general assembly, sixteen thousand nine hundred copies. Said report of the secretary of state to be bound in muslin in the usual manner. Said report shall also be printed in the German language, and to determine the number of copies to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of the general assembly, what number of the copies he is entitled to receive he wishes in the German language, and the aggregate number so determined shall be printed in German and distributed to members of the legislature accordingly.

**Treasurer of state**—For the treasurer, three hundred copies; for the general assembly, six hundred copies.

**Sinking fund commissioners**—For the commissioners, two hundred copies; for the general assembly, six hundred copies.

**Attorney-general**—For the attorney-general, two hundred copies; for the general assembly, six hundred copies.

**Commissioner of common schools**—For the commissioner, eighteen thousand copies; for the general assembly, six hundred copies.

**Commissioners of the state library**—For the commissioners, five hundred copies; for the general assembly, six hundred copies.

**Supervisor of public printing**—For the supervisor, two hundred copies; for the general assembly, six hundred copies.

**Commissioner of railroads and telegraphs**—For the commissioner, one thousand copies; for the general assembly, one thousand copies.

**Commissioners of fisheries**—For the commissioners, five hundred copies; for the general assembly, five hundred copies.

**State supervisor of oils**—For the supervisor, five hundred copies; for the general assembly, five hundred copies.

**Adjutant-general**—For the adjutant-general, two hundred copies; for the general assembly, six hundred copies.

**Board of public works**—For the board, three hundred copies; for the general assembly, six hundred copies.

**Warden and directors of the penitentiary**—For the warden and directors, one thousand copies; for the general assembly, one thousand copies.

**Institution for the education of the deaf and dumb**—For the institution, one thousand copies; for the general assembly, one thousand copies.

**Institution for the education of the blind**—For the institution, one thousand copies; for the general assembly, one thousand copies.

**Columbus asylum for the insane**—For the superintendent, eight hundred copies; for the general assembly, eight hundred copies.

Athens asylum for the insane—For the superintendent, eight hundred copies; for the general assembly, eight hundred copies.

Dayton asylum for the insane—For the superintendent, eight hundred copies; For the general assembly, eight hundred copies.

Cleveland asylum for the insane—For the superintendent, eight hundred copies; for the general assembly, eight hundred copies.

Longview asylum for the insane—For the superintendent, eight hundred copies; for the general assembly, eight hundred copies.

Commissioners and superintendent of reform farm school—For the commissioners and superintendent, one thousand copies; for the general assembly, fifteen hundred copies.

Institution for idiotic and imbecile youth—For the institution, fifteen hundred copies; for the general assembly, one thousand copies.

Girls' industrial home—For the superintendent, five hundred copies; for the general assembly, six hundred copies.

Board of state charities—For the board, two thousand copies; for the general assembly, one thousand copies.

Soldiers' and sailors' orphans' home—For the board of trustees, one thousand copies; for the general assembly, one thousand copies.

Ohio state university—For the trustees and officers, five thousand copies; for the general assembly, one thousand copies.

Inspector of mines—For the inspector, five hundred copies; for the general assembly, two thousand copies.

Commissioner of labor statistics—For the commissioner, five hundred copies; for the general assembly, two thousand copies. Said report shall also be printed in the German language, and the number of copies so to be printed, shall be determined in the same manner as is provided in regard to the secretary of state's report.

Superintendent of insurance—For the superintendent, twenty-five hundred copies of each of his reports, of which, five hundred volumes, containing both reports, shall be bound in cloth; for the general assembly, three hundred copies of each of his reports; of each of the aforementioned reports one hundred copies in addition for the state library.

State board of agriculture—Twenty-four thousand copies shall be printed in type and execution to conform to the report of said board for 1880, five thousand copies to be subject to the state board of agriculture for exchange and foreign distribution. Fifteen thousand of said reports the secretary of state shall apportion among the members of the general assembly, and four hundred copies shall be distributed by the secretary of state. The number of German reports for each member shall be determined by a list to be furnished to the secretary of state by the committee on agriculture in each house, on which list shall be stated the name of members desiring German copies, and number of copies so desired. Said number shall be boxed and directed to the members in care of the county auditors of the counties where they respectively reside. The county auditor shall notify the respective members within ten days after the receipt of said report; and if not removed by the person to whom directed, or on his written order within

thirty days, then said auditor shall deliver said reports to the secretary of the county agricultural society for distribution. The charges for transportation of these reports shall be paid in the same manner as may be provided by law for the distribution of laws and journals; provided, that said English copies shall be printed and delivered to the state binder not later than the 15th day of September of each year, and said German copies not later than 1st day of October of each year.

Section 66. At the same time that the documents mentioned in sections sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type two thousand copies of each document named, in a volume or volumes, paged consecutively, with running heads designating each report, to be styled "executive documents," to be bound in half law binding, and the supervisor of public printing shall make out an index to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the two thousand copies of said executive documents, except for the index and title page; but the commissioners of public printing may allow a fair compensation for the time consumed in changing the forms.

Executive documents, number to be printed.

Section 70. The secretary of state shall, as soon as the laws, journals, and executive documents of each session are printed and ready for distribution, box up the number of each to which each county may be entitled, together with such number of extra copies of the laws for sale as he deems sufficient to supply the demand for the same, and forward them by public conveyance to the auditor of the county, and the secretary of state shall, in like manner, as soon as the agricultural reports are ready for distribution, box up and distribute the same as provided in section sixty-three; and if any county seat be so situated that the laws, journals, reports, and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the secretary of state shall notify the county auditor in writing of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Columbus to such county seat.

Laws, journals, and documents to be sent to county auditors.

SEC. 2. That said section 63, amended section 66 [O. L., vol. 77, page 50], section 70, and section 76 of the revised statutes be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

## AN ACT

To amend sections 1941, 1945, 1946, and 1947 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1941, 1945, 1946, and 1947 of the revised statutes be amended to read as follows:

Moneys collected by police court of certain cities to constitute a contingent fund for police board.

Section 1941. All moneys collected by the police court of such city on account of the service by the police force of writs issued by such court shall be paid to the board of police, and such moneys; together with the moneys received by the board from all sources whatever, the disposition of which is not otherwise provided for by this subdivision, shall constitute a fund to be called the contingent fund, out of which shall be paid all incidental or extraordinary expenses incurred by the board, and the payment of which is not otherwise provided for by subdivision 2, chapter 5, division 5, title XII. of the revised statutes of Ohio. In cities of the second grade, class first, two-thirds of all moneys collected by the police court as aforesaid, together with two-thirds of the moneys received by the board from all sources whatever, as aforesaid, shall constitute the contingent fund, out of which payment shall be made, as above provided.

Police life and health insurance fund.

Section 1945. Fifteen per cent. of all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid, or given on account of extraordinary services of a member of the police force, all unclaimed money, the proceeds arising from the sale of unclaimed property, and one-third of the moneys received by the board from all sources whatever, the disposition of which is not otherwise provided for by subdivision 2, chapter 5, division 5, title XII. of the revised statutes of Ohio, one-third of all moneys collected by the police court on account of the service by the police force of writs issued by such court, and whenever the name of any member of said force appears as prosecuting witness in any case in such court, such witness shall be entitled to one witness fee for one day, which shall be charged by the clerk in the bill of costs, and collected of the defendant in case of conviction, as in case of other witnesses, all witness fees allowed members of the force in the criminal court of the county, all of which fees when collected, and all fines imposed by the board of police upon members of the force for violation of rules shall be paid into the city treasury, and together with the money now in the "police life and health insurance fund," which is hereby transferred for that purpose, and shall constitute the "police pension fund," and the persons who, from time to time, constitute the board of police commissioners of the city, and two members of the police force, to be elected by the members of said force on the first Tuesday of January of each year, except the first election, which shall take place within thirty (30) days from the passage of this act, are hereby declared trustees of such

fund, and the president of said board of police shall be the president of the board of trustees hereby created, and the secretary of said board of police shall be the secretary of said board of trustees, and it is hereby made the duty of said secretary to keep a record of the proceeding of said board of trustees and all action taken by it with regard to said fund, and with regard to the members of said police force, as herein provided, and said board shall have power to draw such fund from the treasury on the warrant of the president, countersigned by the secretary, and may invest the same in interest bearing bonds of the United States, the state of Ohio, and the city of Cleveland, and have power to draw the same from the treasury for that purpose, and shall make reports to the city council of the condition of the fund on the first day of January of each year.

Section 1946. When a member of the police force has become disabled while in the active performance of official duty, or has performed faithful service as a member of such force for a period of not less than fifteen (15) consecutive years since May 1, 1866, he may, by a majority vote of all the members of the board of police commissioners, be retired from active service and placed upon the pension roll, and when so retired, shall be paid from the fund provided for in the preceding section a pension of five hundred dollars per year in equal monthly payments. If at any time there should not be sufficient money to the credit of the police pension fund to pay all claims against it in full, claims on account of the death of members of the force, if there be any such, shall be first paid in full, and with as little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the funds on hand, and shall be accepted as payment in full by the claimants. No member of the force shall be placed on the pension roll unless the health officer or police surgeon shall certify in writing that he is permanently incapacitated, either mentally or physically, from performing his official duties, nor unless due notice is given him by the board of its intention to retire him. Officers on the retired list shall be subject to the orders of the board of police commissioners. The board of police commissioners may order them to be re-examined by the health officer, or police surgeon, and if reported capable of performing active duty, may return them to regular duty. Officers on the retired list may be brought before the board of police commissioners for trial on charges, and shall be subject to the same penalties as officers in active service. Should an officer on the retired list be dismissed by the board of police commissioners, he shall forfeit all further claims upon the police pension fund. The board shall, within thirty days after the death of any member of the force upon the pension roll, or who has been killed while in the execution of his duty, or who has died in consequence of injuries received while in the execution of his duty, pay the sum of five hundred dollars to his widow or minor children, or in case there be no widow or minor children, then to such person or persons as were dependent upon the deceased for support, but if there be no such dependent person, then no money shall be paid from the fund on account of

Member of  
police force  
injured enti-  
tled to relief  
from said  
fund.

such deceased member, except a sum not to exceed one hundred and fifty dollars, to be used to defray the funeral expenses. Upon the death of any member of the police force not upon the pension roll, the trustees of the "Pension Fund" shall pay to the widow of the deceased, or other person duly authorized to receive the same, the sum of one hundred and fifty dollars.

Certain provisions not to apply to special patrolmen.

Section 1947. The provisions of subdivision 2, chapter 5, division 5, title XII., of the revised statutes of Ohio, with respect to the "Pension Fund" shall not apply to special patrolmen appointed as herein provided at the request and expense of private parties.

SEC. 2. That said original sections 1941, 1945, 1946, and 1947 be and the same are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 712.]

#### AN ACT

To amend section 1043 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1043 of the revised statutes of Ohio be so amended as to read as follows :

When and how county auditor to settle with county treasurer.

Section 1043. The auditor shall attend at his office, on or before the 15th day of February, and also on or before the 10th day of August, annually, to make settlement with the treasurer of his county, and ascertain the amount of taxes with which such treasurer is to stand charged ; and the auditor shall, at each August settlement, take from the duplicate, previously put into the hands of the treasurer for collection, a list of all such taxes as such treasurer has been unable to collect, therein describing the property on which said delinquent taxes are charged, as the same is described on such duplicate, and shall note thereon, in a marginal column, the several reasons assigned by such treasurer why such taxes could not be collected ; and such last-mentioned list shall be signed by the treasurer, who shall testify to the correctness thereof, under oath, to be administered by the auditor ; and in making such list, the delinquencies of each township shall be kept separate and distinct ; and after deducting the amount of taxes as returned delinquent, and the collection fees allowed the treasurer, from the several taxes charged on the duplicate, in a just and ratable proportion, the treasurer shall be held liable for the balance of such taxes ; and the auditor after first correcting any error which may



have occurred in the apportionment of taxes at any previous settlement, shall certify the balance due to the state, the balance due to the county, the balance due for road purposes, and the balance due to the townships, and shall forthwith record such list of delinquencies in his office.

SEC. 2. The said original section number 1043 of the revised statutes be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

Treasurer  
liable for  
balance.

[House Bill No. 587.]

#### AN ACT

To amend section 4841 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4841 be amended to read as follows :

Section 4841. After making such order for an improvement, or for any change in the same, the commissioners shall appoint a competent engineer to superintend the performance and completion of the work, who shall enter into a good and sufficient bond, with surety to be approved by the county commissioners, conditioned for the faithful performance of his duties, in a sum to be fixed by said commissioners, and an action may be brought on such bond by any person aggrieved by a failure of the engineer to do his duty, in the name of such party, and recovery may be had for his use and benefit. The engineer shall, with the approval of the county commissioners, make a contract for the performance of the work, and the contractor may at once enter upon the performance of the work, under the superintendence of the engineer; but the improvement shall be let in sections of not less than one-half mile, by public out-cry, or sealed bids, and to the lowest and best bidders, who shall give such reasonable security for the proper performance of his contract within the time and in the manner described, as the county commissioners may deem expedient. The county commissioners may, for cause, remove the engineer and appoint another in his place.

Engineer to  
be appointed  
to make con-  
tract for im-  
provement on  
two mile  
assessment  
pike.

SEC. 2. That section 4841 of the revised statutes be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 545.]

## AN ACT

To amend section 4800 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4800 of the revised statutes be amended so as to read as follows :

County commissioners may build bridges, etc., on one mile assessment pike.

Section 4800. The county commissioners shall, when they believe the public interest requires it, build any or all of the bridges and culverts upon the roads provided for in this chapter, and pay for all gravel used in the construction or repair of such roads in such manner as they deem best.

SEC. 2. That original section 4800 be and is hereby repealed, and this act shall be in force from its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 534.]

## AN ACT

To amend section 5880 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5880 of the revised statutes of Ohio be amended to read as follows :

What liabilities shall constitute a lien on water-craft.

Section 5880. Any steamboat, or other water-craft, navigating the waters within or bordering upon this state, shall be liable, and such liability shall be a lien thereon, for all debts contracted on account thereof by the master, owner, steward, consignee, or other agent, for materials, supplies, or labor in the building, repairing, furnishing, or equipping of the same, or for insurance, or due for wharfage, and also for damages arising out of any contract for the transportation of goods or persons, or for injuries done to persons or property by such craft, or for any damage or injury done by the captain, mate, or other officer thereof, or by any person under the order or sanction of either of them, to any person who is a passenger or hand on such steamboat or other water-craft, at the time of the infliction of such damage or injury.

SEC. 2. That said original section 5880 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 348.]

## AN ACT

To amend an act entitled "an act to amend section two of an act entitled an act supplementary to an act defining the powers and duties of the board of public works," passed May 14, 1878, passed June 21, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "an act supplementary to an act defining the powers and duties of the board of public works" passed May 14, 1878, passed June 21, 1879, inserted in the revised statutes of Ohio as section 7669, be amended so as to read as follows:

Section 2. Permission may be granted to any person or persons, or body corporate, by the board of public works, to enter upon and take ice from any reservoir, or surface of any water under the control of the public works, of this state, and draw water off the canals of the state for the purpose of flooding ice ponds, or other purposes, at a price to be fixed by the board of public works, upon the following conditions:

Permission to take ice from reservoir may be granted.

First—When the water so to be drawn off is not needed, and is over and above what is necessary for navigation and hydraulic purposes already leased.

Conditions

Second—Such water to be drawn off under and by the direction of the chief engineer of the public works, and at such times and in such quantities as he may from time to time determine.

Third—Such persons shall not, in any manner, during any portion of the year, cultivate any of the land to be so flooded.

Fourth—A bond in the penal sum of twenty-five hundred dollars must be executed to the state of Ohio, with good and sufficient security, conditioned for the faithful performance of the obligations herein imposed; and said bond is to be approved by the said board of public works, and to be filed with the treasurer of state by said board, that any person or persons, or body corporate, who shall enter upon any portion of the canals of this state, or in any basin, wide water, or surface of any water under the control of the public works, reservoir or pond, belonging to or used in connection with the canals of this state, without permission from the board of public works, for the purpose of cutting or carrying away ice from said canals or waters aforesaid, for the purpose of profit, shall be deemed guilty of misdemeanor and be liable as hereinafter provided; in case of lessees of water, to be used for manufacturing purposes, it shall not be lawful for any such les-ee, or assignee under said lessee, to use, or allow to pass through their mills or other hydraulic works, a greater quantity of water than the amount specified in their lease, said quantity to be determined by the chief engineer of the public works.

When considered a misdemeanor.

SEC. 3. That section two of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 411.]  
 AN ACT

To amend section thirty-three hundred and nine a (3309 a) of the revised statutes of Ohio, passed April 14, 1880, (O. L., vol. 77, page 206).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3309a of the revised statutes of Ohio be amended so as to read as follows :

Railroad  
 company may  
 in certain  
 cases borrow  
 money in lieu  
 of issuing pre-  
 ferred stock.

Section 3309a. Any railroad company now or hereafter organized under the laws of this state, and any such company consolidated with other companies, as provided in sections 3379, 3380, 3381, and 3382 of the revised statutes, may, at a meeting of its stockholders called as provided in section 3308, in lieu of issuing preferred stock as provided in section 3309, provide for borrowing money to locate, construct and equip its proposed line of railway, and for the purpose of leasing or purchasing branch or connecting roads constructed or in process of construction, not exceeding ten miles in length, for such an amount as it may deem necessary and proper, sufficient to locate, construct, and equip said line of road, and for the purpose of leasing or purchasing branch or connecting roads constructed or in process of construction, not exceeding ten miles in length, and at such rate of interest as may be agreed upon between the respective parties, not exceeding seven per cent. per annum, payable semi-annually or quarterly, as they may direct, and may issue bonds, debentures, or promissory notes therefor, and to secure the payment thereof, may pledge the entire property and net income of such company by mortgage or otherwise. Said bonds, debentures, or notes, may be expressed in dollars or in the currency of the country where disposed of, and may be disposed of upon such terms and at such prices as may be agreed upon between the respective parties, not inconsistent with the laws of this state, the proceeds of a sale of which bonds shall be applied only as now required by law.

SEC. 2. That said original section 3309a be and the same is hereby repealed; provided that nothing in this act, or in the sections of the revised statutes relating to railroad companies prior

to section 3437, shall be construed as affecting street railroads. This act shall be in force and take effect from and after its passage.

JNO. A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 4 4.]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[GREENVILLE TOWNSHIP, DARKE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five thousand six hundred and eighty-eight (5688), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of eighty thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed four (4) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution, shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; it is further provided, that if two-thirds of said electors voting

at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have a right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of the said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to

time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then in that case such tax-payer or bondholders may file such petition for like relief in the court of common pleas of said county; and if the court upon hearing said petition shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights, or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase, or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway,

as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights, or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 400]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[RIDGE, HOAGLIN, AND JACKSON TOWNSHIPS, VAN WERT COUNTY;  
MUHLENBURG TOWNSHIP, PICKAWAY COUNTY; AND PERRY TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township, which by the federal census of 1870 had, and which, by any subsequent federal census, may have a population of 1406, or 622, or 249, or 957, or 637 the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed a sum equal to five per cent. of the duplicate of such township for the year 1881, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by



the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof annually to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county in which such township is located and of general circulation in such township: further provided a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of — railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire,

hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate; which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition for like relief in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 451.]

## AN ACT

Supplementary to an act entitled "an act to authorize certain townships to build railroads, and to lease or operate the same," passed April 15, 1880, (O. L., vol. 77, p. 235), and the act amendatory thereof, passed March —, 1881.

[UNION TOWNSHIP, VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when the electors of any township shall have voted in favor of issuing the bonds provided for in an act entitled "an act to authorize certain townships to build railroads, and to lease or operate the same," passed April 15, 1880, and the acts amendatory thereof, and when trustees shall have been appointed agreeably to said act, it shall be lawful for said trustees, in addition to the bonds therein provided for, to issue and sell additional bonds to an amount not exceeding five thousand dollars, similar in form, and at the same rate of interest as provided for in said act, and to use the proceeds thereof in the construction of any railroad in said township other than on the route provided for by the proceedings under said act to which this is supplementary. Said railroad shall be constructed, operated, or leased, in all respects as is provided for in said original act, and by the trustees thereunder appointed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[Senate Bill No. 447.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same

[MARION TOWNSHIP, ALLEN COUNTY; AUGLAIZE, BROWN, AND BLUE CREEK TOWNSHIPS, PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any township, which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of forty-four hundred and ninety (4,490), ten hundred and sixty-eight (1068), fourteen hundred and fifty-nine (1459), six hundred and seventeen (617), or eighteen hundred and sixty-two (1862), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such township, that a line of railway, to be named in said resolution, should be provided between termini designated therein, in said township, not exceeding seven miles in length, it shall be lawful for the board of trustees, appointed as

herein provided, and they are hereby authorized to borrow as a fund for that purpose not exceeding twenty-five thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board, and shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax, which it shall be the duty of the trustees thereof, annually to levy, to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed, or bonds issued, until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given, by posting up notices at not less than five public places in each of the villages of said township, and by publishing for three successive weeks such notice in all the newspapers printed, and of general circulation in said township; further provided, two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution.

The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the aforesaid resolution), and the said nominations shall forthwith be presented to the judge of the court of common pleas presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner, until said board is filled, and when said board shall be full, then the said judge shall make an order, entering such appointment and approval on the minutes of the court of which he is judge.

The said judge shall also designate the amount of bond to be given by said trustees; each bond shall be several, and shall be conditioned for the faithful performance of their duties as such trustees, which said bond shall be signed by not less than three sureties, and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township.

And before entering upon the discharge of their duties said trustees shall each take an oath of office, and that they will faithfully and honestly discharge their duties as such trustees.

SEC. 3. The said board of trustees and their successors shall

be trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right of way to construct and in constructing a railway with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, bonds, money, and other personal property, and to dispose of the same in aid of said fund. Said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state, or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees, and the said treasurer shall give bond in such sum as such trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by a majority of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become security for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the judge of the court of common pleas, by petition, alleging such misconduct, and praying that they be removed, and that such vacancies be ordered to be filled, in the manner hereinbefore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers,

or upon the request of any of the bondholders of said township bonds, then, and in that case, such tax-payers or bondholders may file such petition for like relief in the court of common pleas of said county, and if the court, upon hearing such petition, shall adjudge in favor of such plaintiffs, it shall remove such trustee or trustees, and any vacancy from this or by resignation or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments, or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at that time for the appropriation of such rights or easements by railway corporations, except that the oath and verdict of the jury, and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons or company as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name of the railway given in the resolution), and said proceedings may be commenced and conducted either in the court of common pleas or probate court, as in case of appropriations for the use of municipal corporations.

SEC. 12. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[Substitute for Senate Bill No. 266.]

## AN ACT

Amendatory of, and supplementary to, certain sections of chapter six (6), title five (5), part two (2) of the revised statutes of Ohio, relating to the inspection of tobacco.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections four thousand three hundred and thirty-four, four thousand three hundred and forty, four thousand three hundred and forty-six, and four thousand three hundred and forty-seven of the revised statutes of Ohio be so amended as to read as follows:

Appointment  
of tobacco in-  
spector.

Section 4334. The probate court of any county, upon application of the proprietor of any leaf tobacco commission warehouse, who offers for sale tobacco at public auction, shall qualify the appointee of such commission warehouse of one or more suitable persons, well skilled in the inspection of leaf tobacco, to act as inspectors and weighers of tobacco at such commission warehouse, to serve as such during the pleasure of such warehouseman, and until successors shall be appointed and qualified, and the court shall thereupon also grant a license to the proprietor of such warehouse to conduct his business in accordance with the provisions of this chapter.

Inspector's  
bond.

Section 4340. Every such inspector and weigher, before he executes any part of his duty, shall, under the penalty of eight hundred dollars, enter into bond in the penal sum of two thousand dollars, to the satisfaction of the probate judge, with sufficient sureties, payable to the state for the use of any person injured by the neglect or misconduct of such inspector and weigher, with condition that such inspector will diligently and carefully uncase and break in at least four places, or cause the same to be done, in his presence, view and examine all tobacco brought to the warehouse at which he is inspector and weigher, which he is called on to view, weigh, and inspect, at such warehouse, or any other public warehouse; and that he will not receive, weigh, pass, or mark any tobacco, or hogshead, barrel, box, or case of tobacco, prohibited by this chapter, and that he will, in all things, well and faithfully discharge and execute his duty in the office of inspector and weigher, according to the provisions of this chapter, which bond shall be deposited with the said probate judge, who shall file the same in his office, and any person injured may bring suit thereon for a breach thereof.

Duty of in-  
spector.

Section 4346. Every inspector shall uncase and break every hogshead, barrel, package, case, or box of tobacco, or cause the same to be done in his presence, which he may be called on to inspect, and weigh in not less than four different places; and if the said inspector and weigher is of the opinion that such tobacco is sound, clean, in good order and condition, and merchantable, he shall weigh, or cause the same to be weighed in his presence, on scales with weights, which he shall mark or cause to be marked on the head, side, or bulge thereof, with the name of the warehouse, the tare of the hogshead, barrel, box, or package, and quantity of net



tobacco therein contained, and also mark on the head of the hogshead, barrel, or package, with the initials of the name of the owner, and the number of the hogshead, barrel, box, or package there inspected.

Section 4347. The inspector shall select two samples of each hogshead, barrel, box, or package of tobacco by him inspected, and passed as sound and merchantable, which samples shall consist of not less than six hands or bundles, and each of which he shall bind together with a cord, and attach a label thereto, on which shall be written the name of the person for whom, or in whose name the tobacco is inspected, together with the number of the package, the gross weight, tare and net weight of the tobacco, which samples shall be delivered to the purchaser of the tobacco, with a note or certificate hereinafter provided for, and the other of which samples said inspector shall retain and carefully preserve for one year after such inspection.

Inspector to select samples, one for purchaser and one to be returned and preserved.

SEC. 2. And be it further enacted that the following sections be added to said chapter, with sectional numbering as follows, to wit:

Section 4355a. Any person or persons who shall intentionally place, or cause to be placed, in any hogshead, barrel, box, package, or parcel of leaf tobacco, any substance other than tobacco, with intent that the said hogshead, barrel, box, package, or parcel shall be exposed to sale, or sold, and with the intent that the purchaser thereof shall purchase the same in ignorance of the presence of such foreign substance, or if any person shall falsely pack, or cause to be falsely packed, in a manner commonly known as "nesting," any hogshead, box, package, or parcel of leaf tobacco, with intent that the same shall be exposed to sale or sold, and with intent that the purchaser thereof shall purchase the same in ignorance of its real character, or if any person shall deliver, or cause to be delivered, any hogshead, box, package, or parcel of tobacco containing such foreign substance, or falsely packed and nested tobacco to any warehouseman, commission merchant, or dealer in tobacco, or manufacturer thereof, to be sold, knowing it to contain such foreign substance, or to be so falsely packed, or nested, with intent that the same shall be sold to purchasers ignorant of its real character, or if any person shall change or alter in any way any sample selected by the inspector, as provided in section four thousand three hundred and forty-seven, with intent thereby to defraud any purchaser or other person, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned in the jail of the county wherein the offense was committed, not less than thirty days nor more than six months, or fined and imprisoned both, at the discretion of the court, and shall also be liable to the inspector and person injured thereby in a civil action for the amount of such injury.

Placing in packages other substance than tobacco.

Section 4355b. The proprietor of any such commission leaf tobacco warehouse shall each be held liable to the purchaser of any hogshead, barrel, package, box, or parcel of tobacco, inspected

Proprietor of tobacco warehouse liable for failure of samples to represent package.

Failure of proprietor of tobacco warehouse to give bond, etc.

and weighed at his warehouse, for the failure of the samples drawn therefrom to fairly represent the tobacco packed therein, and in like manner shall be liable for underweight existing in such tobacco inspected, and marked by such inspector, as required by the provisions of this chapter.

Section 4355c. Any proprietor of any such leaf tobacco warehouse who refuses or neglects to procure a license; and the appointment of such inspector and weigher of tobacco, at his warehouse, as provided for in section four thousand three hundred and thirty-four, or neglects or refuses to perform any of the duties required of him by the provisions of this chapter, shall forfeit and pay a penalty of not less than fifty nor more than one thousand dollars, at the discretion of the court; and each day's continuance in business, after written notice of such omission, shall be deemed an additional offense within the provisions of this section.

SEC. 3. That said original sections 4334, 4340, 4346, and 4347 of the revised statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after the first day of May, 1881.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 436.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[— TOWNSHIP, — COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of seven hundred and eighty-one (781), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifteen thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of

such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed four (4) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township: it is further provided, that if two thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, such bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purposes aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal prop-

erty and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as

herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 145]

#### AN ACT

To amend section 6968 and repeal 696 a, 6968b, and 6968c of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6968 of the revised statutes of Ohio, as amended April 7, 1880, be amended so as to read as follow :

Section 6968. Whoever, in any of the waters of any creek, river, canal, lake, pond, or reservoir, or in any body of water, whether artificial or natural, lying within the state of Ohio, except in private fishing waters, in Lake Erie, the Mercer county reser-

Killing or  
catching fish,  
except by  
hook and line;  
catching fish  
in private  
pond.

voir, the Laramie reservoir in Shelby county, and the Licking county reservoir, catches in any way other than by hook and line, shooting or spearing, any fish except minnows, suckers, and mullets, or whoever maliciously disturbs any fish in any private fishing waters, shall be fined for each offense not more than fifty dollars nor less than ten dollars, or imprisonment not more than sixty nor less than ten days. Whoever catches except with hook and line, or by shooting or spearing, any fish except minnows, suckers, and mullets, in the waters of Lake Erie, and the bays tributary thereto, or, in any waters of Ohio, except in private fishing waters, between the 5th day of June and the first day of September of each year, or whoever buys, sells, or offers for sale any fish caught in the Ohio river on the shore bordering neighboring states, after the tenth day of June until the first day of September, or who shall take any white fish with gill nets in the waters of Lake Erie during the spawning season, or during that season shall catch or destroy any fish except by hook and line, shot-gun, or spearing, or in reservoirs containing one thousand acres or more, the waters of Lake Erie and bays tributary thereto, from the first day of April to the fifth day of June, shall be fined for each offense not more than fifty nor less than ten dollars, or imprisoned not more than sixty nor less than ten days. Whoever trespasses upon any private fishing waters under the control of one or more persons, or a corporation or company, shall be liable to said person, corporation, or company for not less than ten nor more than one hundred dollars, and for the value of any fish killed or taken. All nets and fishing materials in the possession of any person as principal or agent, used in the infringement of any of the provisions of this section, shall be held for the payment of fines assessed or costs accruing in prosecutions under this section, any person may make complaint and prosecute for infringement of any provision of this section. Mayors of cities and justices of the peace shall have jurisdiction of offenses under this section.

SEC. 2. Sections 6968, 6968a, 6968b, and 6968c of the above recited act are hereby repealed.

SEC. 3. This act shall be in force from its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

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[Senate Bill No. 16.]

#### AN ACT

Authorizing the formation of partnership associations, in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted supplementary to

chapter one (1), division number two (2), title one (1), part two (2), of the revised statutes of Ohio, with sectional numbering as follows, viz.:

Section 3161a. When any number of persons, not less than three nor more than twenty-five, may desire to form a partnership association for the purpose of conducting any lawful business or occupation, except for dealing in real estate or banking, within the United States or elsewhere, whose principal office or place of business shall be established and maintained within this state, by subscribing and contributing capital thereto, which capital shall alone be liable for the debts of such association, it shall and may be lawful for such persons to sign and acknowledge, before some officer competent to take the acknowledgment of deeds, a statement, in writing, in which shall be set forth the full names of such persons, and the amount of capital of said association subscribed for by each; the total amount of capital, which shall be paid as follows: one-third within thirty days of the filing of their statement with the county recorder, as hereinafter provided, and two-thirds within twelve months thereafter; the character of the business to be conducted, and the location of the same; the name of the association, with the word "limited" added thereto, as part of the same; the contemplated duration of said association, which shall not in any case exceed twenty years, and the names of the officers of said association, selected in conformity with the provisions of this act, and any amendment of said statement shall be made only in like manner, which said statement and amendments shall be recorded in the office of the recorder of deeds of the proper county, and such association shall keep a register of debts and liabilities, in which shall be entered the nature and amount of all debts and liabilities contracted by such association, with the date thereof, together with any payments or credits thereon, which register of debts and liabilities shall be made not to exceed ten days after said debt or liability was contracted, which register shall be open to the inspection of all persons interested in any manner in the business or financial standing of such association during all business hours; and in case such association shall fail or neglect to cause to be entered on such register, within ten days, any debt or liability after the same has been contracted, or shall make or suffer to be made any false entry thereon, the members of such association shall be individually responsible for the debts and liabilities contracted during said neglect or failure to those damnified by such neglect or failure.

Section 3161b. The members of any such partnership association shall not be liable under any judgment, decree, or order, which shall be obtained against such association, or for any debt or engagement of such company, further or otherwise than is hereinafter provided; that is to say, if any execution, or other process in the nature of execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient thereof whereon to levy or enforce such execution, or other process, then such execution, or other process, may be issued against any of its members, to the

How limited partnership association organized.

Liabilities of member.

extent of the portions of their subscriptions, respectively, in the capital of the association, not then paid up; provided, always, that no such execution shall issue against any member, except upon an order of court, or of a judge of the court in which the action, suit, or other proceeding shall have been brought or instituted; and the said court or judge may compel the production of the books of the association, showing the names of the members thereof, and the amount of capital remaining to be paid upon their respective subscriptions, and from them, or other sources of information, ascertain the truth in regard thereto, and may order execution to issue accordingly; and the said association shall be, and it is hereby required to keep a subscription-list book for that purpose, and the same shall be open to inspection by the creditors and members of the association at all reasonable times.

"Limited" to be last word of name of such association.

Section 3161c. The word "limited" shall be the last word of the name of every partnership association formed under the provisions of this act; and every such association shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its full name mentioned in legible characters in all notices, advertisements, and other official publications of such association, and in all bills of exchange, promissory notes, checks, orders for money, bills of lading, invoices, receipts, letters, and other writings used in the transaction of the business of the partnership association; provided, that the omission of the word "limited," in the use of the name of the partnership association, shall render each and every person participant in such omission, or knowingly acquiescing therein, liable for any indebtedness, damages, or liabilities arising therefrom.

Interest in such association to be personal estate.

Section 3161d. Interest in said association shall be personal estate, and may be transferred, under such rules and regulations as the association may prescribe, and such transfer shall take effect when the same is delivered for record, including the name of the parties thereto and the amount of the interest so transferred, in the office of the county recorder; and such recorder shall enter the same, for which he shall receive the same fees as in other cases, but no transfer [transferee] of any interest, or the representatives of any decedent, or of any insolvent, shall be entitled thereafter to any participation in the subsequent business of said association, unless he or she be elected thereto by a vote of a majority of the members in number and value of their interests; and any change of ownership, whether by sale, death, bankruptcy, or otherwise, which shall not be followed by election to the association, shall entitle the owner only to his interest in the association, at a price and upon terms to be mutually agreed upon; and, in default of such agreement, the price and terms shall be fixed by an appraiser appointed by the court of common pleas of the proper county, subject to the approval of said court.

Meetings.

Section 3161e. There shall be at least one meeting of the members of the association in each year, at one of which there shall be elected not less than three nor more than five managers



of said association, one of whom shall be the chairman, one the treasurer, and one the secretary, or one may be both treasurer and secretary, who shall hold their respective offices for one year, and until their successors are duly installed; and no debt shall be contracted, or liability incurred for said association, except by one or more of the said managers, and no liability for an amount exceeding five hundred dollars, except against the person incurring it, shall bind the association, unless reduced to writing and signed by at least two of the managers.

Section 3161f. The association may, from time to time, divide the profits of its business in such manner and in such an amount as a majority of its managers may determine, which profits, so divided, shall not, at the time, diminish or impair the capital of the said association; and any one consenting to a dividend which shall diminish or impair the capital, shall be liable to any person or persons interested or injured thereby, to the amount of such diminution or impairment.

May divide profits.

Section 3161g. It shall not be lawful for said association to loan its credit, its name, or its capital to any person or corporation whatever.

Unlawful to loan name or credit.

Section 3161h. Such association may be dissolved—

1. Whenever the period fixed for the duration of the association expires.

2. Whenever, by a vote of a majority in value of interest and number, it shall be so determined, and notice of such winding up shall be given by publication in two newspapers, published in the proper city or county, at least six consecutive times; and, immediately upon the commencement of said advertising, said association shall cease to carry on its business, except so far as may be required for the beneficial winding up thereof.

How such association dissolved.

Section 3161i. Whenever any such partnership association shall be dissolved by the voluntary action thereof, its property shall be applied and distributed as follows:

1. To the payment of all debts for work and labor, and to secure which, in case the said property is insufficient, the separate estate of each partner shall be liable without limitation or exemption, except as provided by law.

2. To the satisfaction of its other liabilities and indebtedness.

3. After payment thereof, the same shall be distributed to and among the members thereof, in proportion to their respective interests, in the following manner:

When dissolved how property distributed.

4. Three liquidating trustees shall be elected by the members of the association, who shall have full power and authority to wind up the concern and distribute the net assets thereof among the members, under the direction of the court of common pleas of the proper county.

Section 3161j. That it shall and may be lawful for any persons desiring to form a partnership association under this act, to make contribution to the capital thereof in real or personal estate, mines, or other property, at a valuation to be approved by all the members subscribing to the capital of such association; provided, that one-half of the capital of said partnership association shall be paid

Members may contribute capital in personal estate, mines, etc.

in cash : provided, that in the statement required to be recorded by the first section of this act, subscriptions to the capital, whether in cash or property, shall be certified in this respect according to the fact; and when property has been contributed as a part of the capital, a schedule containing the names of the parties so contributing, with a description and valuation of the property so contributed, shall be inserted.

Such contribution to be same as if made in cash.

Section 3161*k*. That all contributions to the capital of such associations organized under this act, in real or personal estate, mines, or other property, at a valuation agreed upon by all the members subscribing to such capital, shall be as complete and effectual as if the same had been made in cash; provided, a certificate of the same shall be recorded as required in the first section of this act.

Property to be held and suits brought in firm name.

Section 3161*l*. That all real estate owned or purchased by any association created under and by virtue of this act, shall be held and owned, and conveyance thereof shall be made in the association name; that said association shall sue and be sued in their association name, and when suit is brought against any such association, service thereof shall be made upon the chairman, secretary, or treasurer thereof, which service shall be as complete and effective as if made upon each and every member of such association.

Conveyances to be acknowledged by chairman and secretary.

Section 3161*m*. That whenever any association formed under this act shall have occasion to execute any deed of conveyance or bonds, with or without coupons, and mortgages to secure purchase or borrowed moneys, such association shall have a right to acknowledge such instrument by their chairman and secretary.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN. A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 986.]

#### AN ACT

To amend section number six hundred and ninety-five (695) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and ninety-five of the revised statutes of Ohio be so amended as to read as follows :

Salaries of officers of soldiers' and sailors' orphans' home.

Section 695. The superintendent shall receive as compensation for his said services the sum of ten hundred dollars a year, the clerk five hundred dollars a year, the matron four hundred dollars a year, the physician five hundred dollars a year, the matrons of cottages thirty dollars per month, the superintendent of instruction

seven hundred dollars a year, school teachers thirty dollars per month; seamstresses fourteen dollars per month, said services shall be paid by the superintendent in monthly installments, and receipts taken, and the several amounts carried into the monthly accounts of the superintendent.

SEC. 2. That said original section 695 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 915.]

AN ACT

To amend section 5761 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand seven hundred and sixty-one of the revised statutes of Ohio be so amended as to read as follows :

Section 5761. Before a writ of partition is issued, the person of whom partition is demanded, may appear in court in person, or by attorney, and consent to a partition of the estate agreeably to the prayer and facts set forth in the petition, which amicable partition when made and recorded shall be valid and binding between the parties thereto, and in such cases, where the lands are divided by the commissioners among the parties, the court shall on motion of any party in interest order the sheriff to execute and deliver to each person entitled thereto a deed for the portion set off and assigned to such person.

How amicable partition made.

SEC. 2. That original section 5761 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 912.]

AN ACT

Amendatory of section 2061 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand and sixty-one (2061) be amended so as to read as follows :

Duration of  
commitment  
to reformatory  
institution,  
discharge,  
etc.

Section 2061. No commitment of an infant to a house of refuge and correction shall be for a shorter period than until such infant shall be reformed or attain the age of majority, except in case of infants committed to await their trial, or as witnesses, and except in such cases as the board may by its general rules provide; but any infant by whomsoever or for whatever cause committed may at any time be discharged upon order of the board, duly entered upon its minutes, or may by order of the said board, duly entered upon its minutes, be permitted to leave such institution until directed to return thereto by said board, or the superintendent of such house; but said permission shall not in any way be construed to be a discharge from the said house and from the guardianship of the board of directors thereof.

SEC. 2. That said original section two thousand and sixty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 822.]

#### AN ACT

To amend section 1692 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1692 of the revised statutes of Ohio be so amended as to read as follows:

Powers of  
municipal  
corporations.

Section 1692. In addition to the powers specifically granted in this title, and subject to the exceptions and limitations in other parts of it, cities and villages shall have the general powers enumerated in this section, and the council may provide by ordinance for the exercise and enforcement of the same.

Riots, gam-  
bling, etc.

1. To prevent riots, gambling, noise, and disturbance, indecent and disorderly conduct or assemblages, and preserve the peace and good order, and protect the property of the municipal corporation and its inhabitants.

Billiards, ten-  
pins, etc.

2. To regulate billiard-tables, nine or ten-pin alleys or tables, and ball-alleys; and to authorize the destruction of instruments or devices used for the purpose of gaming.

Nuisances,  
etc.

3. To prevent injury or annoyance from anything dangerous, offensive, or unwholesome, and to cause any nuisance to be abated.

Houses of ill-  
fame.

4. To suppress and restrain disorderly houses and houses of ill-fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places.

Beer saloons,  
Taverns.

5. To regulate ale, beer, and porter-houses and shops.

6. To regulate taverns and other houses for public entertainments.

7. To regulate, restrain, or prohibit theatrical exhibitions and public shows, and exhibitions, of whatever name or nature, for which money or other reward is in any manner demanded or received; but lectures on historic, literary, or scientific subjects shall not come within the provisions of this section. Theaters, shows, etc.
8. To regulate or prohibit the sale of live domestic animals at public auction in the streets, alleys, highways, or any public ground within the corporation. Auction of animals.
9. To regulate auctioneering, and to regulate, license, or prohibit the sale at auction of goods, wares, and merchandise imported into the corporation for the purpose of being sold at auction. Auctioneers.
10. To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, and every description of carriages which may be kept for hire, or livery-stable purposes. Carriages.
11. To regulate, restrain, and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, and other animals, and to impound and hold the same; and on notice to the owners, to authorize the sale of the same, or any portion thereof, for the penalty imposed by any ordinance, and the cost and expenses of the proceedings. Animals running at large.
12. To regulate or prohibit the running at large of dogs, and provide against injuries and annoyances therefrom, and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance to that effect. Dogs.
13. To prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways. Fast driving.
14. To regulate the transportation and keeping of gunpowder and other explosive and dangerous combustibles, and to provide or license magazines for the same. Explosives.
15. To regulate the transportation of articles through the streets, and prevent injuries to the streets from overloaded vehicles. Transportation.
16. To regulate the weighing and measuring of hay, wood, coal, and other articles exposed for sale. Weighing.
17. To guard against injuries by fire. Fire.
18. To lay off, establish, open, widen, narrow, straighten, extend, keep in order and repair, and to light streets, alleys, public grounds, and buildings, wharves, landing places, bridges, and market spaces within the corporation, including any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation, and to provide for laying down gas pipes. Streets.
19. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship-canal, or water-course located in whole or in part within the corporation. Gas pipe.  
Canals.
20. To regulate the cleaning and sprinkling of streets, alleys, and public grounds. Street cleaning.
21. To open, construct, and keep in repair sewers, drains, and ditches. Sewers.
22. To establish, repair, and regulate water-closets and privies. Privies.
23. To erect, establish, regulate, and repair pest-houses, hospitals, and infirmaries. Pest-houses.
24. To establish a board of health and invest it with such

- Boards of health. powers and impose upon it such duties as may be necessary to secure the inhabitants from the evils of contagious, malignant and infectious diseases.
- Prisons. 25. To build jails or other places of confinement, and to regulate the same.
- Markets. 26. To erect market-houses, and to establish and regulate markets.
- Buildings. 27. To regulate the erection of buildings, fences, and other structures within the corporate limits.
- Cemeteries. 28. To provide public cemeteries, and for the improvement and protection thereof, and to regulate the burial of the dead.
- Police. 29. To organize and maintain a police department.
- Fire department. 30. To organize and maintain a fire department, erect necessary buildings therefor, and to purchase and hold all necessary hose, engines, carts, ladders, carriages, tools, and implements therefor.
- Water. 31. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water-pipes, reservoirs, and water-works, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof.
- Parks. 32. To hold and improve public grounds and parks, and to provide for the protection and preservation of the same.
- Appropriation of property. 33. To appropriate private property for the use of the corporation.
- Power to purchase, etc. 34. To acquire by purchase, or otherwise, and hold real estate, or any interest therein, and other property for the use of the corporation, and to sell or lease the same.
- Schools. 35. To erect and maintain buildings for public schools.
- Halls. 36. To erect and maintain public halls.
- Libraries. 37. To establish and maintain free, public libraries and reading-rooms, and to purchase books, papers, maps, and manuscripts therefor, and to receive donations and bequests of money or property for the same in trust or otherwise; and the council may appoint such trustees or officers, and confer on them such authority as may be necessary to render any reading-room so established of public utility; and may, also, pass necessary by-laws and regulations for the protection and government of the same.
- Ferries. 38. To license and regulate ferries within the corporate limits.
- Bequests. 39. To accept bequests made by will, upon conditions and limitations contained in the will; and any city or village accepting such a bequest shall be bound to faithfully carry out all the stipulations of the will in relation to the bequest, and the council of any such city or village is hereby authorized to make any and all rules and regulations by ordinance that may be required to carry out fully all the provisions of the will in relation to the bequest.
- Produce. 40. To regulate the sale of produce and other merchandise, canal-boats, vessels, cars on railroad tracks, and railroad depots, and cities of the first grade of the first class in addition to the powers hereinbefore granted shall have the power to regulate and compel the consumption of the smoke omitted by the burning of coal, and to prevent injury and annoyance from the same.

SEC. 2. That said section 1692 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 724.]

AN ACT

To repeal sections 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392 and 393 of the revised statutes of Ohio, and to authorize the sale of the state tobacco warehouse at Bellaire.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three hundred and sixty-seven, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, three hundred and seventy-three, three hundred and seventy-four, three hundred and seventy-five, three hundred and seventy-six, three hundred and seventy-seven, three hundred and seventy-eight, three hundred and seventy-nine, three hundred and eighty, three hundred and eighty-one, three hundred and eighty-two, three hundred and eighty-three, three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, three hundred and eighty-seven, three hundred and eighty-eight, three hundred and eighty-nine, three hundred and ninety, three hundred and ninety-one, three hundred and ninety-two, and three hundred and ninety-three of the revised statutes of Ohio be and the same are hereby repealed.

Repeal of act  
providing for  
state inspector  
of leaf  
tobacco.

SEC. 2. That the auditor of state, secretary of state, and attorney-general are hereby authorized to have the state tobacco warehouse at Bellaire and the land upon which it is located appraised by three disinterested freeholders of the state of Ohio, who shall not be residents of Belmont county, Ohio, selected by said officers for that purpose. Before proceeding to perform their duties, said appraisers shall take an oath to faithfully perform their duties as such; after such appraisement shall have been made, said officers shall proceed to advertise for sealed proposals for the sale of said property, in such manner as may seem to them for the best interest of the state and to sell the same to the highest and best bidder on the following terms, to wit: one third cash, and the balance in two equal annual payments with interest at six per cent. on deferred payments secured by mortgage on premises sold; provided, said sale shall not be for less than three-fourths of the appraised

Sale of state  
tobacco ware  
house.

value of said property, and that said officers may reject any and all bids.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[Substitute for House Bill No. 517.]

#### AN ACT

Amendatory to and supplementary of sections 2224, 2264 and 234 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand two hundred and twenty-four of the revised statutes be amended and supplemented so as to read as follows :

How public  
contracts in  
certain cities  
(Cincinnati)  
modified.

Section 2224. When it becomes necessary, in the opinion of the board, in the prosecution of any work hereafter ordered, to make alterations or modifications of the specifications or plans of a contract, or to omit from said work any portion of the street or territory originally ordered to be improved, such alteration, modification, or omission, may be made by order of the board ; provided, such order shall be of no effect until the price to be paid for the work under such altered or modified contract has been agreed upon in writing, and signed by the contractors and some person authorized thereunto by the board ; and provided, further, the total cost of the work, with the addition of the price so agreed upon, shall not exceed the original contract.

When con-  
tract changed,  
how assess-  
ments made.

Section 2224. In all cases of changes made by said board under section two thousand two hundred and twenty-four, the said board shall have the power to make and levy such assessment upon the property abutting the improvement actually made, or specially benefited thereby, as if the improvement made were the same as that originally ordered ; provided, if such alteration or modification consists solely in omitting from said improvement any portion of the street or territory originally ordered to be improved. In every such case, where the improvement was theretofore ordered by council to be assessed upon property abutting upon or benefited by the improvement, the assessment so charged upon the property shall not exceed the assessment which would have been chargeable if no portion of said improvement originally ordered had been omitted.

Section 2224b. Whenever it shall appear, in an action for the recovery of any such assessment, or to enjoin the collection thereof, that such assessment does exceed the assessment which would have been chargeable if no portion of said improvement



originally ordered had been omitted, the court may thereupon determine what amount should properly have been assessed by said board of public works after such change in the contract, and render judgment enforcing the collection of the amount properly assessable, or enjoining the collection of any greater amount as the nature of the case may require. And in such cases the court shall make such order for the payment of costs as may be deemed equitable and proper.

Power of  
court in action  
for recovery  
of such assess-  
ments.

SEC. 2. That section two thousand two hundred and sixty-four of the revised statutes be amended so as to read as follows :

Section 2264. In the cases provided for in the last section, the council may decline to assess the costs and expenses therein mentioned on any part thereof, except as hereinafter mentioned on the general tax-list, in which event such costs and expenses, or any part thereof which may not be so assessed on the general tax-list, shall be assessed by the council on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, or according to the value of the property assessed, or by the feet front of the property abutting upon the improvement, as the council, by ordinance setting forth specifically the lots and lands to be assessed, may determine before the improvement is made, and in the manner and subject to the restrictions herein contained; and the assessments shall be payable in one or more installments, and at such times as council may prescribe; but this section shall be subject to the provisions of chapter two of this division, and in cities of the first grade of the first class, at the time when the council determines that the cost of such improvement is to be assessed as above provided, it shall also determine in how many installments said assessments shall be payable; at what intervals, if payable in more than one installment; also, whether or not bonds shall be issued in anticipation of such assessment.

Assessments  
which may be  
special.

SEC. 3. That the following section be enacted as supplementary to section 2314 of the revised statutes, with sectional numbering as herein provided :

Section 2314a. In cities of the first grade of the first class, whenever any improvement has been, or shall hereafter be ordered by the council, all power to order and make payment for such improvement now vested in council, shall hereafter be vested in the board of public works of such city; and in case council shall have ordered the cost of such improvement, in whole or in part, to be assessed upon property abutting upon or specially benefited by such improvement, all power to make and levy any assessments therefor, to enforce the collection of such assessments, to order the certification of any unpaid assessment to the county auditor to be placed upon the tax list; to borrow money in anticipation of such assessment, and to issue bonds of the corporation therefor now vested in the council, shall hereafter be vested in the board of public works of such city; and in performing each and all of such duties, every such board shall have and exercise all the powers

Power to or-  
der and make  
payment for  
improvement  
vested in  
board of pub-  
lic works.

vested in, and be subject to all the restrictions and regulations imposed upon the council and the board of public works of such city by the laws now in force.

SEC. 4. Original sections 2224 and 2264 of the revised statutes of Ohio, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,

Passed April 20, 1881.

*President pro tem. of the Senate.*

[House Bill No. 525.]

#### AN ACT

To amend section 1267 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1267 of the revised statutes of Ohio be so amended as to read as follows:

Election and  
term of office  
of prosecuting  
attorney.

Section 1267. There shall be elected triennially, in each county, a prosecuting attorney, who shall hold his office for three years, beginning on the first Monday of January next after his election; provided, that prosecuting attorneys now in office shall serve during the term for which they were elected.

SEC. 2. That said original section 1267 be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives,*  
R. G. RICHARDS,

Passed April 20, 1881.

*President pro tem. of the Senate.*

[Senate Bill No. 435.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[— TOWNSHIP, — COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any township which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of one thousand two hundred and thirty-nine (1239), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution, declaring it to be essential to the interests of such township, that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in

said resolution, and the termini thereof shall be designated therein, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed four (4) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; it is further provided, that if two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section, shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge

of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and, if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purposes aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have a right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct and praying that he or they be removed,

and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then in that case such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions, which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[Senate Bill No. 457.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[JACKSON TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of seven hundred and thirty-seven (737) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of ten thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for two successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the

blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the rec-

ommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees



shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No. 455.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[OTTAWA TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of two thousand eight hundred and thirty-seven (2837) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of forty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be pay-

able at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for two successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township, further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond to be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the pur-

pose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge

in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case. ]

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of

common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[Senate Bill No 459]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same

[JENNINGS TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand and fifty-nine the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for two successive weeks, such notice in a newspaper printed in the county in

which such township is located, and of general circulation in such township; further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose

one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution,

the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[Senate Bill No. 454.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[SUGAR CREEK TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census



of 1870 had, and which by any subsequent federal census may have, a population of ten hundred and thirty-seven (1037) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifteen thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township: further provided, two-thirds of said electors voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the

trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them,

of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and

said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ----- railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 456 ]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[MONTEREY TOWNSHIP, PUTNAM COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of nine hundred and seventy-nine (979) the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds : and provided, that no money shall be

borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than fifteen days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for two successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of

the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private

property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 461.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[DELAWARE AND WASHINGTON TOWNSHIPS, DEFIANCE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of ten hundred and sixteen (1016), or eleven hundred and sixty (1160), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifteen thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; further provided, two-thirds of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the



blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommenda-

tion of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed, in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or

company, as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 494]

#### AN ACT

To amend original sections 1176, 1177, 1178, 1179, 1180, 1190, 1191 and 1196 of the revised statutes of Ohio,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1176, 1177, 1178, 1179, 1180, 1190, 1191 and 1196 of the revised statutes of Ohio be so amended as to read as follows:

Section 1176. The county surveyor, when directed by the county commissioners of his county, shall procure from the general land office, or any office in this state where the same may be procured, a certified plat, together with the field-notes of the corners and bearing trees to each section, quarter section, lot or original survey in his county, and cause the same to be preserved in a book by him provided for that purpose, which shall be deposited in the surveyor's office for the use of the landholders in said county. A certified copy from said book by the surveyor shall be received as prima facie evidence, when the original would be received.

County surveyor shall procure field-notes, etc., from general land office.

Section 1177. The expenses incurred by reason of section 1176, shall be paid out of the county treasury on the warrant of the auditor. For making and recording plats or maps, or transcribing

Expenses, how paid.

**Fees of  
surveyor.**

same, the surveyor shall receive such reasonable compensation as the commissioners may order, not exceeding the amount allowed by law for similar services, and for indexing, the same fees as are allowed to recorders.

**Surveyor's  
record and  
copies there-  
from.**

Section 1178. The county surveyor shall keep an accurate record of all surveys made for the purpose of locating any land or property line, or road line, or corner, whether official or otherwise, made by himself or his deputies, and other surveys deemed by the county commissioners worthy of preservation and containing a certificate from the surveyor making the same, and such records shall contain all information possessed by him or his deputies, or person making said survey of value in future re-locations of land, lines, or corners adjacent to or forming part of said record, including all courses, azimuths, angles, distances, calculation of contents, the location of and reference to all monuments used or set up by him or his deputies, or other person during the execution of said survey, whether artificial or otherwise, and whether placed upon the lines or upon offsets to the same, together with a description of the said monuments, the name of the party for whom said survey was made, and the date of making the same. And a copy of any record shall be furnished by the surveyor to any person requesting the same, on his paying therefor the fees allowed the recorder for similar work.

**Surveyor to  
transcribe  
certain  
records.**

Section 1179. The county surveyor shall, when ordered so to do by the county commissioners, transcribe any and all dilapidated maps, and the records of plats and field-notes of surveys from the records of the common pleas, probate, or other court, auditor, recorder, or other office in the state where the same may be procured, into suitable books, and the same shall be placed among the records of his office and made a part thereof, and have the same validity and legal effect as other records of a like kind in his office.

**Indexes to  
records.**

Section 1180. The surveyor shall make and keep up in a manner convenient for reference, complete indices by townships, alphabetically arranged, to all the records in his office, which shall contain in their several columns the number or name of the original survey, section, tract, or lot in which said survey is located, the date of the execution thereof, the name of the surveyor making the same, and the name of the party for whom the survey was made.

**Surveyor  
shall make  
record of plat,  
etc.**

Section 1190. Any county surveyor making surveys, under the provisions of the three preceding sections, shall record the plat and certificate thereof in a book kept by him for that purpose, together with the depositions, notices and advertisements, if any, with the evidence in relation thereto, and shall, on demand, deliver the original to the person at whose instance such survey was made or depositions taken.

**Plat or certi-  
fied copy and  
depositions  
evidence un-  
less, etc.**

Section 1191. The plat and certificate of any county surveyor, made, or depositions taken, agreeably to the provisions of the four preceding sections, or a certified copy thereof from the surveyor's office, shall be evidence in any court, in this state, in any cause wherein the title of any land to which they apply is affected; but

the depositions of witnesses, recorded as aforesaid, shall only be received when the witnesses are dead, or without the jurisdiction of the court.

Section 1196. After such maps and record of plats and field-notes of surveys have been transcribed and placed among the other records of a similar kind, as in the preceding section provided, copies thereof, duly certified by the county surveyor, shall be received in evidence in the same manner, and shall have the same force and effect as by law is given to copies of other records of maps, records of plats and field-notes of surveys.

Copies evidence.

SEC. 2. That said original sections 1176, 1177, 1178, 1179, 1180, 1190, 1191 and 1196 be and they are hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 297.]

#### AN ACT

To amend sections 3033, 3034, 3035, 3038, 3039, 3046, 3071, 3075, 3078, 3081 and 3082 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3033, 3034, 3035, 3038, 3039, 3046, 3071, 3075, 3078, 3081 and 3082 of the revised statutes of Ohio be so amended as to read as follows :

Section 3033. The organized militia shall be composed of such companies, troops, and batteries as are now organized according to law, and such other companies, troops, and batteries as may hereafter be organized pursuant to the provisions of this title ; but such force shall not exceed one hundred companies of infantry, twelve batteries of light artillery, of not less than two guns nor more than four guns each, and two troops of cavalry, except as provided in sections three thousand and eighty-six and three thousand and eighty-nine ; and companies hereafter organized shall be apportioned throughout the state in accordance with the population and requirements of the several counties, as nearly as practicable ; but no company now organized shall be mustered out of service until the expiration of the term of enlistment, unless by reason of not having the minimum number of privates required by section three thousand and thirty-six, or for any other legal cause.

Of what the organized militia shall be composed.

Section 3034. The organized militia shall be known as the "Ohio National Guard," and may be ordered into active service by the governor to aid the civil officers to suppress or prevent riot or insurrection, or to repel or prevent invasion, and they shall, in all cases, be called into service before the unorganized militia.

To be known as "Ohio National Guard."

Section 3035. Companies, troops, and batteries, heretofore

All organiza-  
tions to be  
upon same  
footing.

organized, shall retain their organization, and be governed, controlled, and drilled, and be upon the same footing, as those organized in accordance with the provisions of this title; but any member thereof shall be entitled to be discharged from the service at the expiration of five years from the date of his enlistment.

Organization  
of artillery.

Section 3038. Each four-gun battery shall have a captain, a first lieutenant, a second lieutenant, an assistant surgeon, with the rank of captain, a first sergeant, a quartermaster sergeant, four sergeants, eight corporals, two musicians, and not less than forty nor more than eighty privates, and each two-gun battery shall have a captain, a first lieutenant, a hospital steward, a first sergeant, a quartermaster sergeant, two sergeants, four corporals, one musician and not less than twenty nor more than forty privates.

Contributing  
members.

Section 3039. Contributing members may be received and enrolled by companies, troops, and batteries, but the number shall be limited as follows: for each company of infantry, troop of cavalry, or four-gun battery, not to exceed one hundred and fifty, and for each two-gun battery, not to exceed one hundred; such members shall be subject to such contributive dues and service as may be prescribed by the code of regulations, and by the by-laws of the respective organizations; but the dues of such contributing members shall, in no case, be less than five, and in cities of the first class, ten dollars each, per annum, and the whole number of acting and contributing members belonging to the organized militia in any county shall not exceed fifteen per centum of the voting population of such county.

Appointment  
and commis-  
sion of staff  
and non-  
commissioned  
officers.

Section 3046. Commissioned and non-commissioned staff officers, and the leader and sergeants of the band, of each battalion and regiment, the assistant surgeon of a four-gun battery, and non-commissioned officers of each company, troop, and battery, shall be appointed by the commanding officers of the respective organizations; and each non-commissioned officer shall be furnished with a warrant of authority, signed by the commandant of the company, troop, or battery of which he is a member, and if a member of a company attached to a battalion or regiment, the warrant shall be signed also by the commandant and adjutant of such organization.

State will pay  
for fatigue  
uniforms.

Section 3071. Each enlisted man shall be furnished with a fatigue uniform of the prescribed pattern; only one suit in five years shall be allowed to each member; such uniform shall be the absolute property of the state; it shall be worn only when on duty, and the uniforms of disbanded organizations shall be returned to the adjutant-general to be re-issued by him as the best interests of the service may require. The adjutant-general is hereby authorized to purchase, with funds appropriated therefor, at a price not to exceed twelve dollars each, such uniforms as may be required for the use of the Ohio National Guard; samples of material to be used in the manufacture of said uniforms and specific directions for making the same shall be kept in the office of the adjutant-general, and contracts for the purchase of uniforms shall be made by him with the lowest responsible bidder; the uniforms shall conform in quality and pattern to the samples and specifications furnished, and thirty days' notice of the time and place for receiv-

ing and opening bids for the same shall be made by publication in at least two newspapers of general circulation within this state. Clothing shall be issued, upon the requisition of the commanding officers of companies, troops, or batteries, approved by the governor; provided, that no such issues shall be made until a bond, in double the value of said stores, approved as provided for in other cases, shall have been first deposited in the office of the adjutant-general.

Section 3075. The adjutant-general may, after the appropriations are made for that purpose, purchase and keep ready for use, or issue to the troops, as the best interests of the service require, such amount and kinds of camp and garrison equipage as may be necessary; he shall see that all arms, munitions of war, camp and garrison equipage, and like stores belonging to the state, are properly cared for, and kept in good order for use; and all accounts which accrue against the state under the provisions of this section shall, if correct, be certified by the adjutant-general, countersigned by the governor, and paid out of the state treasury as other claims are paid. When any of the arms, camp and garrison equipage or quartermaster stores, belonging to the state become unserviceable, he may convene a board of survey, consisting of not less than three commissioned officers of the Ohio national guard, who shall inspect the same, and if found unserviceable, they may be condemned by said board. The adjutant-general is hereby authorized to sell any condemned ordnance or quartermaster's stores belonging to the state, the sums realized from the sales thereof to be turned into the state treasury, to be credited to the fund appropriated for the purchase of uniforms for the Ohio national guard; or he may, in his discretion, exchange such condemned stores for such other ordnance or quartermaster's stores as the interests of the service may require, for the use of the Ohio national guard; and the adjutant-general shall make a detailed report of such sales, purchases, or exchanges to the governor, stating each article sold, purchased, or exchanged, and the prices fixed for the same, which report shall be published in the annual report of the adjutant-general. When the quartermaster-general is on duty by order of the governor, he shall perform the duties assigned to the adjutant-general by this section; and accounts, as aforesaid, certified by him as correct, and countersigned by the governor, shall be paid as herein provided.

Adjutant-general to purchase equipage and preserve arms, equipments and stores.

Adjutant-general may convene board of survey.

Section 3078. There shall be an encampment of each unattached company, and of each troop, battery, battalion, and regiment, to last not less than four nor more than six days, at least once in each year, between the first day of May and the first day of November; encampments shall be held at such times and places as the commanding officers may direct, with the approval of the governor; notice of which shall be sent by said commanding officers to the adjutant-general at least thirty days prior to the date fixed for said encampment, and at least two weeks notice of a battalion or regimental encampment shall be given by the commanding officer, to each company commandant.

Encampments.

Section 3081. Officers and enlisted men, when serving under

Pay when  
in actual  
service of the  
state.

orders of the governor, or of a sheriff, mayor, or judge, to prevent or suppress riot or insurrection, or to repel or prevent invasion, shall receive pay at the following rates: Each field officer and surgeon, five dollars per day, each line officer and each staff officer, ranking not higher than captain, four dollars per day, and each enlisted man, two dollars per day, for the first seven days, and thereafter, each field officer and surgeon two dollars and fifty cents per day; each line officer and each staff officer, ranking not higher than captain, two dollars per day; and each enlisted man, one dollar per day; necessary transportation, medical attendance, supplies, and quarters, shall also be provided for them, and subsistence shall be provided for enlisted men but not for officers; and a fair and reasonable allowance shall also be made for animals necessarily used.

Pay during  
encampment.

Section 3082. For each twenty-four hours' duty during encampments, as provided in section three thousand and seventy-eight, each officer and enlisted man shall receive one dollar; the governor shall designate an officer to make, on the part of the state, the necessary contracts for transportation, quarters, subsistence, and other supplies; but said contract for subsistence shall not exceed thirty-three and one-third cents per day for each man, commutation for which shall be allowed to any regiment upon request of the commandant thereof, and separately to any company, troop, or battery, upon the request of the commandant, which request shall be filed with the adjutant-general, thirty (30) days prior to the date of said encampment; for each day a troop of cavalry, or battery of artillery, is actually on parade, or in camp, as provided in said section, not exceeding, in all, seven days in each year, there shall be allowed not exceeding one dollar for each horse actually and necessarily used, not exceeding forty for a troop of cavalry, thirty-two for a four-gun battery, and sixteen for a two gun battery.

SEC. 2. That sections 3033, 3034, 3035, 3038, 3039, 3046, 3071, 3075, 3078, 3081 and 3082 of the revised statutes of Ohio be and the same are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.



House Bill No. 982.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[JEFFERSON, GRANVILLE, BUTLER, AND HOPEWELL TOWNSHIPS,  
MERCER COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have a population of fifteen hundred and fifty-seven (1,557), twelve hundred and thirty-four (1,234), thirteen hundred and one (1,301), and eight hundred and ninety-four (894), the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifteen thousand dollars (\$15,000), and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township; further provided, two-thirds of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in:

the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer on him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they were appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a

**resolution of the township trustees.** No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

**SEC. 5.** Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

**SEC. 6.** Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

**SEC. 7.** Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

**SEC. 8.** Whenever there shall be, between the termini designated in any resolution passed under this act, a railway already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

**SEC. 9.** Whenever in the construction of a line of railway, as herein provided, the board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the

oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company as will conform to the conditions and terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro t.m. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[Senate Bill No. 953.]

#### AN ACT

To grant the right of way through the lands of the central insane asylum at Columbus to Columbus and Maysville railroad company.

Granting right  
of way over  
grounds of  
Columbus  
asylum for the  
insane.

SECTION 1. *Be it enacted by the General Assembly of the state of Ohio,* That on the payment into the state treasury by the Columbus and Maysville railroad company of not less than the sum of four hundred dollars (\$400) per acre, for certain tracts of land, and upon the execution of a contract by said company in accordance with section two (2) of this act, the governor be, and he is hereby authorized and required by proper deed, to convey in fee, subject to the right of way across the grounds and track as provided in section two (2) of this act, to the said Columbus and Maysville railroad company and its assigns, the tracts of lands described as follows:

Situated in Franklin county Ohio, beginning on the east line of the old state quarry tract fifty feet north of the center line of the Columbus and Xenia railroad, as now constructed, and running in a northerly direction to the Cincinnati Springfield and Columbus railroad, as now constructed, thence running in a course south of west in a direct line parallel to the said Cincinnati Springfield and Columbus railroad to the north line of the right of way of the Columbus and Xenia railroad, as now constructed, thence east along said Columbus and Xenia railroad to the place of beginning, said tract containing five acres, more or less; said parcel of land being a part of the old state quarry tract, and also, a strip of land in said Franklin county, Ohio, not exceeding one hundred feet wide, beginning fifty feet south of the center line of the Columbus and Xenia railroad, as now constructed, and thence running by a course parallel to the said Cincinnati Springfield and Columbus railroad to a point in the west line of the lands of the Columbus asylum for the insane, containing one acre, more or less, the quantity in each case to be ascertained by actual measurement; provided, that if the governor shall think it the interest of the state not to convey the said five acres, he shall convey only so much of it as is necessary for the right of way of said railroad.

SEC. 2. That the trustees of the Columbus asylum for the insane be, and they are hereby directed to designate a route for the location of a railroad switch from the said Columbus and Maysville railroad tract to the gas factory of said asylum, and the Columbus and Maysville railroad company shall construct and maintain said switch for the suitable delivery of freights on said tract. The Columbus and Maysville railroad company shall construct and maintain suitable platforms and station on their main line for freight and passengers at such point on the said asylum grounds as may be designated by the trustees of said asylum and in consideration of the said Columbus and Maysville railroad company constructing and maintaining said switches and station, the right of way for said switch and station is hereby granted to said railroad company without further consideration, and in further consideration of said right of way, the said Columbus and Maysville railroad company shall deliver all heavy freights, in car-load lots, from the city of Columbus on said switch as may be directed by the asylum trustees, at a rate not exceeding fifteen cents per ton, and the company shall be at all expense of transfer from other roads at Columbus, and the stone and coal delivered on said switch, under this contract, shall be unloaded into the gas house or in chutes for reloading into wagons. The right of way herein granted shall continue only so long as the stipulations herein named are faithfully complied with on the part of said Columbus and Maysville railroad company, and the state reserves to itself the right of way at such point as the asylum trustees may determine, across the track and grounds of said railroad company free of charge, for the purpose of constructing a switch to any other railroad, and the state reserves the right to make arrangements with any other road to

Governor to  
convey land.

Trustees of  
asylum to  
designate  
route.

deliver freights whenever it is the interest of the state to do so; provided, if the said Columbus and Maysville railroad company fails to complete its line of road in two years from the passage of this act, this contract shall be null and void.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 990.]

#### AN ACT

To change the time for holding the third term of the court of common pleas in the county of Mercer, for the year 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for holding the third term of the court of common pleas in the county of Mercer, as fixed by the judges of the third judicial district, be and the same is hereby changed, and that said term shall be held on the fifth day of December, A. D., 1881, instead of the seventh day of November, as fixed by said judges.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 846.]

#### AN ACT

To amend section 2503 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2503 of the revised statutes of Ohio be so amended as to read as follows:

Grade of  
streets when  
street railroad  
is constructed.

Section 2503. Before any street railroad shall be constructed, on any street less than sixty feet in width, with a roadway of thirty-five feet or under, the council shall provide that the crown of the street shall be made a nearly flat uniform curve, from curb to curb, without ditch gutters, and in such manner as to give all wheeled vehicles the full use of the roadway up to the face of the curb, after the plan of the streets in the cities of Philadelphia and New York. And on any street, whenever the tracks of two street railroads, or of a street railroad and a steam railroad, cross each other at a convenient grade, the crossings shall be made with crossing.

frogs of the most approved pattern and materials, and kept up and in repair at the joint expense of the companies owning said tracks.

SEC. 2. Said original section 2503 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[Senate Bill No. 343.]

AN ACT

To authorize a special term of district court in Jackson county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the regular term of the district court in and for the county of Jackson, to be held in September, 1881, there shall be held a special term of the district court in and for said county, beginning on Tuesday, May 3, 1881.

SEC. 2. This act shall take effect from its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1881.

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[House Bill No. 969.]

AN ACT

To change the time fixed for holding the third term of the court of common pleas in the counties of Medina and Lorain, for the year A. D. 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by the judges of the fourth judicial district of the state of Ohio, for holding the third or fall term of the court of common pleas, in the counties of Medina and Lorain be changed, and that said term of the court of common pleas be held in the said county of Medina, on the seventeenth (17th) day of October, A. D. 1881, and in said county of Lorain on the thirty-first (31st) day of October, A. D. 1881.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 259.]

## AN ACT

For the payment of vouchers of S. N. Field and Jacob Hildebrand.

WHEREAS, On the first day of May, A.D. 1877, it was resolved in the senate of the state of Ohio, by senate resolution No. 106, "That the first and second assistant sergeants-at arms be allowed the per diem of twenty days for extra and faithful services performed during the session of the general assembly, and that the president of the senate be authorized to certify to said per diem, amounting to the sum of two hundred dollars;" and,

WHEREAS, In accordance with the above resolution of said senate, a voucher for said amount was issued to said S. N. Field and Jacob Hildebrand, and duly signed by the president of said senate; and,

WHEREAS, After the issuing and indorsement of such voucher, payment therefor was referred by the auditor of state in consequence of a restraining order served upon said auditor, setting forth that the payment of amount provided for in said resolution could not be allowed by a single branch of the general assembly for extra services performed by its sergeants-at-arms, which restraining order was sustained by the supreme court of Ohio, and the payment of said just claim thereby prevented; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any fund in the state treasury, not otherwise appropriated, the sum of two hundred dollars, for the payment of the vouchers of the said S. N. Field and Jacob Hildebrand.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

[House Bill No. 914.]

## AN ACT

Making an appropriation to construct a culvert between locks number twenty-eight (28) and twenty-nine (29) under the Miami and Erie canal in Putnam county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized, if deemed by them necessary, to advertise for proposals to construct a culvert under the Miami and Erie canal, at the most suitable point between locks number twenty-eight (28) and twenty-nine (29), in Monterey township, Putnam county, and if the contract can be let at a cost not to exceed twenty-five hundred dollars to the state, they proceed to let the construction thereof to the lowest bidder, reserving the right to reject any and all bids.



SEC. 2. That there be and hereby is appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of twenty-five hundred dollars to pay in full for said culvert.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

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[House Bill No. 838.]

AN ACT

For the relief of Delila M. Swigart.

WHEREAS, On the 20th day of August, A.D. 1878, the auditor of the state of Ohio sold to Delila M. Swigart the following lands in Auglaize county, viz.: The south part of N. E. quarter of S. E. quarter containing five acres, also west part S. E. quarter of S. E. quarter, twenty-three acres, all in section number eighteen, township number six, and range four, east, containing in all twenty eight acres.

WHEREAS, Said lands were sold to said Delila M. Swigart for the sum of three hundred and seventy two dollars and fifty-four cents, under the act of the general assembly, dated April 29, 1872, and as amended March 1, 1878.

WHEREAS, Said tracts of land were erroneously reported to the auditor of state for sale by the board of public works under said act, and it appears of record that the auditor of state had no right to sell said lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys not otherwise appropriated out of the general revenue fund of the state of Ohio the sum of three hundred and seventy-two dollars and fifty-four cents (\$372.54), with interest from April 17, 1880, amounting to twenty-two dollars and thirty-five cents (\$22.35), which is hereby directed to be refunded to said Delila M. Swigart.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1881.

[House Bill No. 808.]

## AN ACT

Making appropriations to meet deficiencies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury the following sums, to wit:

*Adjutant-General's Office:*

For payment of expenses of Ohio national guards, called into service to aid civil authorities in quelling riots in 1880, at Silver Creek mines, in Wayne county, one thousand four hundred and eighty dollars and fifty-seven cents (\$1,480.57).

For payment of expenses of Ohio national guards, called into service to aid civil authorities in quelling riots in 1880, at Coalton, in Jackson county, two thousand three hundred and seven dollars and sixty-seven cents (\$2,307.67).

For payment of expenses of Ohio national guards, called into service to aid civil authorities in quelling riots in 1880, at Corning, in Perry county, two thousand six hundred and ninety-five dollars and fifty-three cents (\$2,695.53).

For payment of expenses of Ohio national guards, called into service to aid civil authorities, in Wayne county, to execute writ, five hundred and eighty-nine dollars and four cents (\$589.04).

For transportation of Ohio national guards in 1879, seven hundred and twelve dollars and fifty-nine cents (\$712.59).

For transportation, subsistence and services of Ohio national guards, called into service to aid civil authorities at the execution of George Mann, Gustav Ohr and William Sammet, at Canton, June 25, 1880, three hundred and fifteen dollars and sixty-one cents (\$315.61).

For transportation and payment of expenses of Ohio national guards, called into service to aid civil authorities at the execution of George Mitchell, September, 1880, two hundred and thirty-seven dollars and seventeen cents (\$237.17).

For payment of expenses of company "H" sixteenth regiment, Ohio national guards, called into service by sheriff of Sankusky county, Ohio, to aid civil authorities in preventing riot at execution of Welch, February 25, 1881, one hundred and fifty-one dollars and seventy-six cents (\$151.76).

Payment shall be made by the state treasurer from moneys severally appropriated herefor. No voucher for any such payment shall be audited unless certified and approved as provided in section 3083 of the revised statutes of Ohio.

For materials and repairs during 1879, to J. M. and W. Westwater, forty-nine dollars and ten cents (\$49.10).

For McCune, Lonnis & Griswold, thirty-six dollars and twenty-three cents (\$36.23); and to Hildreth, Martin & Co., seventy-seven dollars and forty-five cents (\$77.45).

For hay and feed to L. L. Smith, seventeen dollars and ninety cents (\$17.90).

The auditor of state may issue his warrant in favor of the steward of Columbus asylum for the insane for twenty-six hundred and ninety-four dollars and seventy-nine cents, out of the appropriations for current expenses of said institution made March 18, 1881, such sums to be used in payment for goods bought previous to, but not delivered, until after the 15th day of February, 1881.

*Judiciary :*

For salaries of the supreme, superior and common pleas judges, seventeen thousand one hundred and thirty-one dollars and forty-one cents (\$17,131.41).

*Commissioner of Labor Statistics :*

For contingent expenses, fifty-four dollars and six cents (\$54.06).

*Treasurer of State :*

For deficiencies in telephone and telegraphic services, eleven dollars and seventy-three cents (\$11.73).

For payment of John E. Evans, for extinguishing lights in state house and state house grounds up to February 15, 1881, one hundred dollars (\$100).

*Athens Asylum for the Insane :*

For current expenses, nine thousand five hundred and twenty-six dollars and thirteen cents (\$9,526.13).

For expenses of trustees, fifty-eight dollars and eighty-four cents (\$58.84).

*Columbus Asylum for the Insane :*

For current expenses, thirty-one thousand six hundred and twenty dollars and eighty-three cents (\$31,620.83).

For salaries of officers, eight dollars and twenty-five cents (\$8.25).

For payment of bill of Wallworth Manufacturing Company, contracted in 1877 and 1878, four hundred and ninety-five dollars and thirty-six cents (\$495.36).

For payment of Champion Fire Extinguishing Company, for twenty Champion fire extinguishers, furnished to the Asylum in 1877, six hundred dollars (\$600).

*Cleveland Asylum for the Insane :*

For current expenses, four thousand three hundred and thirty-four dollars and nine cents (\$4,334.09).

For ordinary repairs, five hundred dollars (\$500).

For payment of deficiencies in the expenses of trustees for 1878 and 1879, three hundred and eighty-nine dollars and fifty cents (\$389.50).

*Dayton Asylum for the Insane :*

For current expenses, ten thousand nine hundred and eighty dollars and sixty-one cents (\$10,980.61).

For salaries of officers, two hundred and seventy-five dollars (\$275).

For ordinary repairs, three thousand five hundred and ninety-one dollars and eighty six cents (\$3,591.86).

For library, sixty-one dollars and five cents (\$61.05).

*Blind Asylum:*

For payment of expenses of trustees, one hundred and thirty-one dollars (\$131).

For payment of expenses of trustees in 1879, three hundred and ninety-four dollars (\$394).

*Soldiers' and Sailors' Orphans' Home:*

For payment of expenses of trustees, thirty-eight dollars (\$38).

For payment of Sidney cornice company, for balance on bill for galvanized cornice work, eighty-five dollars and seventy-six cents (\$85.76).

For salaries of officers, teachers, and matrons, eleven hundred and sixty-three dollars and fifty-six cents (\$1,163.56).

For ordinary repairs, seven dollars and two cents (\$7.02).

To pay John Weaver, of Xenia fire company, for injuries received at the burning of the soldiers' and sailors' orphans' home, ninety dollars (\$90).

To pay Xenia fire department for repairs of engine [fifty-one dollars] (\$51).

To pay individual losses by said fire, two thousand four hundred and forty two dollars and sixty-eight cents, to be distributed by the following list, upon the parties therein named executing a receipt relinquishing all claim for remuneration by the state on account of said fire:

|                                      |          |
|--------------------------------------|----------|
| To Henrietta Keifer . . . . .        | \$102 66 |
| To Miss Maggie Gagen . . . . .       | 107 60   |
| To Miss Elizabeth Gungle . . . . .   | 50 80    |
| To Mrs. L. M. Beck . . . . .         | 74 80    |
| To Matilda Jones . . . . .           | 4 00     |
| To Ida Sangster . . . . .            | 31 20    |
| To Mrs. A. Pilkington . . . . .      | 68 50    |
| To Margaret Jones . . . . .          | 26 30    |
| To Mrs. Minnie Keihl . . . . .       | 102 00   |
| To Mrs. Ann Harvey . . . . .         | 60 00    |
| To Miss Ella Delahunt . . . . .      | 74 00    |
| To Miss Nellie Conroy . . . . .      | 76 30    |
| To Miss Lizzie Killeen . . . . .     | 25 60    |
| To Miss Annie Dunn . . . . .         | 26 50    |
| To Miss Sallie M. Liddell . . . . .  | 40 00    |
| To Mr. Hartley . . . . .             | 80 00    |
| To Solomon Swabb . . . . .           | 8 00     |
| To Miss Josephine Vandever . . . . . | 85 70    |
| To Miss Marion Woodrow . . . . .     | 47 20    |
| To Miss De Etta Greiner . . . . .    | 68 00    |
| To Miss Alice M. Painter . . . . .   | 91 10    |

|                                     |        |
|-------------------------------------|--------|
| To Miss Helen M. Nave . . . . .     | 162 20 |
| To Mrs. Mary V. Proctor . . . . .   | 172 10 |
| To Miss Orilla H. Bryant . . . . .  | 48 80  |
| To Miss Laura Coffman . . . . .     | 75 02  |
| To Miss Georgia Sinks . . . . .     | 128 20 |
| To Miss Kate Clabby . . . . .       | 110 60 |
| To Miss Lyda Hutchins . . . . .     | 66 40  |
| To Miss Lizzie Stiver . . . . .     | 30 60  |
| To Mr. and Mrs. Brelsford . . . . . | 400 00 |

*Lucas County Asylum for the Insane :*

For support of insane, as per contract with the state, six hundred and seventy-six dollars and forty-three cents (\$676.43).

*Penitentiary :*

For current expenses, ten thousand one hundred and seventy-six dollars (\$10,176).

For salaries of officers, one thousand seven hundred and seventy-five dollars and twelve cents (\$1,775.12).

For library, three hundred and ninety-two dollars and thirty-one cents (\$392.31).

For prosecuting and transporting convicts, nine thousand eight hundred and ninety-eight dollars and sixty-four cents (\$9,898.64).

To pay J. and G. Butler, old vouchers, twenty-three dollars and thirty cents (\$23.30).

*Public Works :*

For payment of deficiency in the salary of A. B. Newburg, from April 15, 1876, to February 15, 1881, to be paid out of the canal fund, four hundred and fifty dollars (\$450).

To pay from canal fund to George Lewis, for damages to canal boat, one hundred and ninety-seven dollars and seventy cents, (\$197.70).

*Miscellaneous :*

For payment in full of T. Y. McCray for settling the affairs of the office of register of the Virginia military school lands at Mansfield, and moneys expended by him in the same, one thousand two hundred and eleven dollars and ninety-three cents (\$1,211.93).

For payment of F. W. Newburg, for services in the office of the auditor of state, from February 15, 1879, to February 15, 1880, three hundred dollars (\$300).

For contingent expenses of the board of equalization, two hundred and four dollars (\$204).

The auditor of state is hereby directed to sell, at the close of the session of said board, such desks, chairs, and other articles as may have been purchased for the use of said board, and cover the proceeds arising therefrom into the treasury.

For contingent expenses of the two houses of the general assembly, including expenses of committees, two thousand dollars (\$2,000).

For contingent expenses of secretary of state, three hundred and eighty-five dollars and seventy-three cents (\$385.73.)

For contingent expenses of state mine inspector, forty-one dollars and eighty-two cents (\$41.82).

For attorney fees, at request of state mine inspector Roy, services rendered in 1877 and 1878:

By Woodworth & Wirt, balance, ninety-four dollars and eighty cents (\$94.80.)

By Wilson & Jackson, balance, seventy dollars and thirty-nine cents (\$70.39).

By Taylor & Jones, balance, forty-eight dollars and sixty-two cents (\$48.62).

By B. O. Eddy, balance, thirteen dollars and eighty-four cents (\$13.84).

By Geo. W. Love, balance, twenty-four dollars and seventy cents (\$24.70).

By Dunbar & Kithcart, twenty-five dollars (\$25).

For payment of salary of railroad commissioner from February 1, to February 15, 1880, eighty-three dollars and thirty-three cents (\$83.33).

For payment of deficiency in salary of John G. Lush, clerk in railroad commissioner's office during February, 1880, eleven dollars and fifty-three cents (\$11.53).

For payment of Charles T. Flowers, for clerical services in the railroad commissioner's office in the year 1878, three hundred dollars (\$300).

For payment of expenses of the trustees of the asylum for imbecile youth, four hundred and ninety-three dollars (\$493).

For current expenses for the asylum for imbecile youth, fourteen hundred and fifty-five dollars and eighty-four cents (\$1,455.84).

For the support of Longview asylum, being errors against said institution in setting off the proportions of appropriations by the auditor of state since 1872, eleven thousand five hundred and seventy-eight dollars and fifty-two cents (\$11,578.52).

The auditor of state is hereby authorized to issue his warrant for any deficiencies that may have existed on account of the purchase of printing paper, stationery, and materials for binding, on the fifteenth day of February, 1881, on appropriations made for these purposes in the appropriation bill, passed March 18, 1881.

For payment for advertising constitutional amendments in 1879, one hundred and sixty-nine dollars and eighty-one cents (\$169.81).

For books and magazines for law library, three hundred and twenty-five dollars (\$325).

To pay A. C. Williams for clerical services in the executive department after expiration of term of Governor Young, fifty dollars (\$50).

For deficiency in salary of superintendent of insurance, five dollars and forty-seven cents (\$5.47).

To John S. Deveny, for expenses incurred as delegate to con-

vention in relation to improvement of Mississippi river and its tributaries, forty-six dollars and sixty-five cents (\$46.65).

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,

Passed April 20, 1881.

*President pro tem. of the Senate.*

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[House Bill No. 971.]

AN ACT

**Making appropriations for the payment of the salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms, and employes, and for other purposes.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, the following sums, to wit:

For salaries and mileage of members of the general assembly, per diem of clerks, sergeant-at-arms, and employes while the general assembly is in session, and for the payment of the clerk of the senate and house, sergeant-at-arms of the senate and house after adjournment, as is provided in sections 39, 43, and 45, of the revised statutes, and for the payment of any other persons or employes, for labor performed or services rendered after the adjournment of the general assembly, as may be provided for by resolution of the respective branches, twenty thousand dollars (\$20,000); provided, that no part of said appropriation shall be drawn to pay deficiencies or debts existing on the 15th day of February, 1881.

SEC. 2. For payment of members and officers of the decennial board of equalization, nine thousand dollars (\$9,000); provided, that no part of said appropriation shall be drawn to pay deficiencies or debts existing on the 15th day of February, 1881.

For geological survey, geology, and botany lapsed appropriation, two thousand eight hundred and ninety-four dollars and ninety-six cents (\$2,894.96).

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 897.]

## AN ACT

Making appropriations for the benevolent, penal, and reformatory institutions of the state for the last three quarters of the fiscal year ending November 15, 1881, and the first quarter of the fiscal year ending February 15, 1882.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, from any money in the treasury to the credit of the general revenue fund, the following sums for the purposes herein named, to wit:

*Athens Asylum for the Insane :*

For current expenses, sixty-eight thousand four hundred dollars (\$68,400).

For salaries of officers, forty-one hundred dollars (\$4,100).

For library, one hundred and fifty dollars (\$150).

For pictures for wards, one hundred and fifty dollars (\$150).

For ordinary repairs, twenty-five hundred dollars (\$2,500).

For expenses of trustees, one hundred and twenty-five dollars (\$125).

For store-house, four thousand dollars (\$4,000).

For grading, one thousand dollars (\$1,000).

For cleaning out and extending lakes [fifteen hundred dollars] (\$1,500).

For painting, three thousand dollars (\$3,000).

For replacing steam and hot-water pipes, twenty-five hundred dollars (\$2,500).

For pumps, eighteen hundred dollars (\$1,800).

For fencing, five hundred dollars (\$500).

*Cleveland Asylum for the Insane :*

For current expenses, seventy-three thousand two hundred and forty dollars (\$73,240).

For salaries of officers, forty-one hundred dollars (\$4,100).

For library, three hundred dollars (\$300).

For pictures for wards, one hundred and fifty dollars (\$150).

For expenses of trustees, one hundred and twenty-five dollars (\$125).

For ordinary repairs, twenty-five hundred dollars (\$2,500).

For improving grounds, five hundred dollars (\$500).

For painting walls of wards, one thousand dollars (\$1,000).

For repairing dining and store-rooms, eighteen hundred dollars (\$1,800).

For telephone, five hundred dollars (\$500).

For carpets, five hundred dollars (\$500).

For hose, four hundred dollars (\$400).

*Columbus Asylum for the Insane :*

For current expenses, one hundred and eighteen thousand and forty dollars (\$118,040).



For salaries of officers, forty-eight hundred dollars (\$4,800).

For fencing cemetery, one hundred and fifty dollars (\$150).

For grading and fencing, two thousand dollars (\$2,000).

For removing buildings, five hundred dollars (\$500).

For furniture and carpets for wards, one thousand dollars (\$1,000).

For ordinary repairs, three thousand dollars (\$3,000).

For repair of boilers, placing steam drums upon the same, and replacing retorts in gas-works, two thousand dollars (\$2,000).

For expenses of trustees, one hundred and twenty-five dollars (\$125).

*Dayton Asylum for the Insane:*

For current expenses, seventy thousand and forty dollars (\$70,040).

For salaries of officers, forty-one hundred dollars (\$4,100).

For pictures for wards, one hundred and fifty dollars (\$150).

For library, one hundred and fifty dollars (\$150).

For expenses of trustees, one hundred and twenty-five dollars (\$125).

For ordinary repairs, twenty-five hundred dollars (\$2,500).

For fire-walls, iron doors, iron stairway, and iron ceilings, thirteen hundred and thirty dollars (\$1,330).

For water supply, in addition to appropriation made in 1880, of seven hundred and fifty dollars (\$750); for the purchase or condemnation of land, four thousand dollars (\$4,000).

For new gas works, ninety-six hundred dollars (\$9,600).

For furniture and carpets for ward and employes' rooms, fifteen hundred dollars (\$1,500).

For wagon shed, four hundred dollars (\$400).

For wagons, cart, and harness, two hundred and ninety dollars (\$290).

For additional story to rear building, heating and lighting the same, seventeen hundred and seventy dollars (\$1,770).

For furnishing the same, two hundred and fifty dollars (\$250).

For telephone, five hundred dollars (\$500).

For heating strong rooms, five hundred dollars (\$500).

For painting cornices, four hundred dollars (\$400).

For hose, two hundred dollars (\$200).

For horses and cows, one thousand dollars (\$1,000).

For carriage, four hundred dollars (\$400).

For fencing, three hundred dollars (\$300).

For repairs of water-closets, four hundred dollars (\$400).

*Longview Asylum for the Insane:*

A sum to be ascertained by the auditor of state, which shall bear the same proportion to the appropriations for the other asylums of the state for the insane, as the population of Hamilton county bears to the population of the state, exclusive of Hamilton county, as appears by the federal census of 1880, and ten thousand dollars

(\$10, 000), less fifteen thousand dollars (\$15,000), appropriated in the partial appropriation bill of this session.

*Lucas County Asylum for the Insane:*

For care and cure of the insane, as per contract with the state, sixteen thousand seven hundred and ten dollars and thirty-eight cents (\$16,710.38).

*Toledo House of Refuge and Correction:*

For the maintenance of an average number of boys, not exceeding one hundred and fifty, at two dollars and fifty cents per capita, per week, as per contract with the state, fourteen thousand five hundred dollars (\$14,500).

*Asylum for the Deaf and Dumb:*

For current expenses, thirty-seven thousand two hundred and seventy-eight dollars and eighty-four cents (\$37,278.84).

For salaries of officers and teachers, fifteen thousand dollars (\$15,000).

For ordinary repairs, fifteen hundred dollars (\$1,500).

For expenses of trustees, two hundred and fifty dollars (\$250).

For outside painting, five hundred dollars (\$500).

For roof and spouting on barn, one hundred and twenty-five dollars (\$125).

For repairing roof and gutters on main building, three hundred dollars (\$300).

For reflectors and gas-fixtures, three hundred dollars (\$300).

For repairs of engine and heating apparatus, five hundred dollars (\$500).

For printing press and printing materials, five hundred dollars (\$500).

For teacher of printing, to be expended under the direction of the superintendent, six hundred dollars (\$600).

*Asylum for the Blind:*

For current expenses, ten thousand six hundred and eighty-one dollars and one cent (\$10,681.01).

For salaries of officers and teachers, forty-seven hundred and forty dollars and thirty-four cents (\$4,740.34).

For furniture, bedding, and carpets, thirteen hundred dollars (\$1,300).

For printing the proceedings of the convention of the blind people, to be expended under the supervision of the superintendent, two hundred dollars (\$200).

For ordinary repairs, one thousand dollars (\$1,000).

For books, school apparatus, and musical instruments, five hundred dollars (\$500).

For laundry machinery, three hundred dollars (\$300).

For closets, two hundred dollars (\$200).

For expenses of trustees, two hundred and fifty dollars (\$250).

For salaries of teachers of deaf and dumb children of Hamilton

county, to be paid upon the order, and to be expended under the direction of the board of education of the city of Cincinnati, fifteen hundred dollars (\$1,500).

*Asylum for Imbecile Youth :*

For current expenses, sixty thousand dollars (\$60,000).

For salaries of officers and teachers, eighty-seven hundred and seventy-seven dollars and twenty-three cents (\$8,777.23).

For ordinary repairs, twenty-five hundred dollars (\$2,500).

For fire-hose and fittings for same, three thousand dollars (\$3,000).

For expenses of trustees, two hundred and fifty dollars (\$250).

For tanks in water-tower and connections, three thousand dollars (\$3,000).

For new boilers, three thousand dollars (\$3,000).

*Soldiers' and Sailors' Orphans' Home :*

For current expenses, fifty thousand one hundred and sixty-three dollars and twenty-four cents (\$50,163.24).

For salaries of officers and teachers, ten thousand seven hundred and forty dollars and sixty-seven cents (\$10,740.67).

For ordinary repairs, one thousand dollars (\$1,000).

For sewerage, five hundred dollars (\$500).

For iron fire-main and plugs, six hundred dollars (\$600).

For books for children, five hundred dollars (\$500).

For laundry, four hundred and forty dollars (\$440).

For purchase of cows, two hundred dollars (\$200).

For industrial pursuits, thirty-one hundred and four dollars and nineteen cents (\$3,104.19).

For expenses of trustees, two hundred and fifty dollars (\$250).

For board fence, one hundred and seventy-five dollars (\$175).

For horses, three hundred dollars (\$300).

For forest trees, one hundred dollars (\$100).

For sewerage pipe, one hundred and seventy-five dollars (\$175).

For construction of covered ways from cottages to dining-hall, six hundred dollars (\$600).

For water-closets and out-buildings, thirty-five hundred dollars, (\$3,500).

For pay of net earnings, under section 680, revised statutes of Ohio, six hundred dollars (\$600).

For the care and support of orphans outside the home, under the act of April 13, 1880 (O. L., p. 187), and in accordance with the interpretation thereof, as set forth in the recent report of the trustees of said home, the sum of ten thousand dollars (\$10,000); provided, the appropriation of ten thousand dollars (\$10,000) made in said act, or so much thereof as remains unexpended, may be used likewise in substantial accordance with the spirit of said act, as thus interpreted, in payment for the support of orphans thereunder in the year ending February 15, 1881.

*Penitentiary :*

For current expenses, fifty-five thousand two hundred and seventy-eight dollars and seventy-six cents (\$55,278.76).

For salaries of officers, eleven thousand and one hundred dollars (\$11,100).

For salaries of guards, fifty-one thousand nine hundred and fifty-six dollars (\$51,956).

For salaries of directors, eleven hundred and forty dollars (\$1,140).

For manufacture of gas, seventy-six hundred dollars (\$7,600).

For ordinary repairs, seventy-two hundred and thirteen dollars (\$7,213).

For work-shops, five thousand dollars (\$5,000).

For salary of librarian, seven hundred and eighty dollars (\$780).

For books, twelve hundred dollars (\$1,200).

For new bath-house, two thousand dollars (\$2,000).

For construction of new gas works, twenty thousand dollars (\$20,000).

For prosecution and transportation of convicts, under sections 759 and 733 of the revised statutes, fifty thousand dollars (\$50,000).

*Girls' Industrial Home :*

For current expenses, twelve thousand eight hundred and eight dollars and eight cents (\$12,808.08).

For salaries of officers, matrons, teachers, and housekeepers, seventy-four hundred and twelve dollars and fifty cents (\$7,412.50.)

For ordinary repairs, eight hundred and forty-nine dollars and sixty-three cents (\$849.63).

For boiler-house and heating apparatus, in addition to the balance of appropriation made in 1880 for heating by steam, administration and fire-proof family buildings, seventy-two hundred and two dollars and ninety-nine cents (\$7,202.99).

For graveling roads and improving grounds, five hundred dollars (\$500).

For alcoves, one hundred dollars (\$100).

For books and periodicals for children's library, three hundred dollars (\$300).

For furnishing new building, fifteen hundred dollars (\$1,500).

For furnishing school-room in new building, three hundred dollars (\$300).

For gas fixtures for new building, two hundred and fifty dollars (\$250).

For fences, five hundred dollars (\$500).

For removing and repairing old building for employes, fifteen hundred dollars (\$1,500).

For improving lawns, streets, and walks, one thousand dollars (\$1,000).

For repairing chapel, three hundred dollars (\$300).

For sewers, one thousand dollars (\$1,000).

For expenses of trustees, one hundred and thirty-five dollars and fifty-four cents (\$135.54).

For musical instrument for chapel, five hundred dollars (\$500).

*Reform Farm School:*

For current expenses, forty-three thousand two hundred and seventy-eight dollars and eleven cents (\$43,278.11).

For salaries of officers and teachers, fourteen thousand five hundred and fifty-five dollars and thirty-two cents (\$14,555.32).

The balance of appropriation made in 1880, amounting to twelve hundred and six dollars and nine cents (\$1,206.09), for putting down gas-mains, is hereby re-appropriated for repair of gas-works and gas-apparatus.

For expenses of trustees, two hundred and fifty dollars (\$250).

For heating apparatus, seventeen thousand and five hundred dollars (\$17,500).

For completing laundry building, with machinery therefor, thirty-five hundred dollars (\$3,500).

For books for boys, one hundred and fifty dollars (\$150).

For store-house, two thousand dollars (\$2,000).

For ordinary repairs, one thousand dollars (\$1,000).

For paints, four hundred dollars (\$400).

For ventilation of dormitories, three hundred dollars (\$300).

For gravel, five hundred dollars (\$500).

For horses, wagon, and harness, eight hundred dollars (\$800).

For organs, seven hundred and fifty dollars (\$750).

For purchase of forty acres of land from George E. Howe, six hundred dollars (\$600).

*Ohio State University:*

For expenses of trustees, two hundred and fifty dollars (\$250).

For ordinary repairs, one thousand dollars (\$1,000).

*State Board of Charities:*

For expenses, two thousand dollars (\$2,000).

For extra clerical labor, one thousand dollars (\$1,000).

For expenses of investigations, ordered by the governor, under section 656 of the revised statutes of Ohio, five hundred dollars (\$500).

SEC. 2. No moneys appropriated in the foregoing section shall be used for the payment of debts or deficiencies created before the 15th day of February, 1881, nor used for any other purpose than the specific purpose for which the same is appropriated; and it is made the duty of the auditor of state to see that the foregoing provisions are complied with.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

# LOCAL AND SPECIAL ACTS.

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[Senate Bill No. 251.]

## AN ACT

To authorize the commissioners of Lorain county to complete court-house in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Lorain county be and they are hereby authorized to expend for the completion of said court-house, in addition to the sum named, and provided for in said contract, such further sum of money as may be necessary for that purpose, not exceeding twenty thousand dollars.*

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 14, 1881.

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[House Bill No. 569.]

## AN ACT

To authorize the county commissioners of Henry county, Ohio, to issue bonds to complete and furnish the court-house, jail and sheriff's residence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Henry county, Ohio, for the purpose of raising money to complete and furnish the court-house, jail, and sheriff's residence in Napoleon, Henry county, Ohio, be and are hereby authorized and empowered to issue the bonds of said Henry county in sums of not less than one thousand dollars each, and in the aggregate not to exceed thirty-five thousand dollars, which bonds shall have proper interest coupons attached, and bear a rate of interest not exceeding five per centum per annum, payable on the first days of January and July. The payment of the principal of said bonds shall not be deferred beyond a period of twelve years, and shall be payable at the pleasure of the commissioners after three years.*

SEC. 2. Said bonds shall be signed by the said commissioners, and attested by the auditor of said county, who shall keep a record of all bonds issued and to whom issued. Said bonds shall be negotiable and payable at such place as the commissioners of said county shall determine, which place shall be specified in said bonds, and they shall not be disposed of at less than their par value.

SEC. 3. That the said commissioners are hereby authorized to levy a tax to

pay the principal and interest of said bonds, not to exceed in any one year three mills on the dollar of valuation of the taxable property of said county.

SEC. 4. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 25, 1881.

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[House Bill No. 511.]

AN ACT

To authorize the commissioners of Auglaize county to cause certain judicial records to be transcribed, and to declare the effect and authority, to be given to certain transcripts of deeds from other counties heretofore made.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Auglaize county be and are hereby authorized to cause to be transcribed from the records of the courts of common pleas and supreme court of the counties of Darke, Allen and Mercer, or either of them, the proceedings in all causes which were pending and determined in the courts of the said counties, which concern or effect the title to any real estate which was originally in said counties, and which by the erection of the new county of Auglaize were cut off and are included within the limits of the said county of Auglaize.

SEC. 2. The said commissioners are authorized to employ any competent person or persons to make these transcripts, who shall receive from the county treasury of Auglaize county as compensation, any sum to be agreed upon, not to exceed the fees to which the clerk is entitled for like services.

SEC. 3. The transcripts so made, duly compared and certified by the person making such transcripts, shall be filed in the office of the clerk of Auglaize county, and shall have the same force and effect, and be as competent as evidence and for all purposes as if the said proceedings had been originally commenced and prosecuted in the said county of Auglaize.

SEC. 4. The transcripts of deeds and mortgages and leases, heretofore made under the direction of the county commissioners of Auglaize county from the counties of Mercer and Allen, and now in the recorder's office of Auglaize county, are hereby declared competent for every purpose, as if originally recorded in Auglaize county, and full faith and credit are to be given to them as though originally recorded in Auglaize county.

SEC. 5. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 28, 1881.

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[House Bill No. 523]

AN ACT

To enable the treasurer of Knox county to refund certain taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurer of Knox county be and he is hereby authorized and

required to refund to each and every person, company, or corporation, or their heirs, executors, administrators, agents, or assignees, upon the warrant of the county auditor, all taxes that may have been paid into the county treasury, under the provisions of an act to authorize the city of Mt. Vernon, Ohio, to levy a special tax to purchase machinery, passed May 2, 1877. (Ohio laws, vol. 74, p. 499.)

SEC. 2. The auditor of said county is hereby authorized and required to issue his warrant upon the county treasurer for the amount of said tax actually paid in by each person, company, or corporation, upon their producing the county treasurer's receipt for the taxes so paid, or upon other evidence satisfactory to the auditor, showing the actual payment of said tax.

SEC. 3. The said officers shall each be entitled to receive for their services performed, under the provisions of this act, such compensation therefor as the city council of the city of Mt. Vernon may deem just and proper, to be paid out of the general fund of said city.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed January 31, 1881.

[House Bill No. 550.]

#### AN ACT

To provide for the issue and payment of bonds by the county commissioners of Scioto county, Ohio, to meet and provide for a deficiency in the county current fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Scioto county, Ohio, for the purpose of meeting and providing for a deficiency in the county funds of said county arising from insufficient levies for county purposes, be and they are hereby authorized to issue bonds of the said county for an amount not exceeding thirty thousand (\$30,000) dollars and bearing a rate of interest not exceeding six (6) per centum per annum, payable semi-annually in such sums and payable at such times not longer than six years, from the date of the first issue of the same, as to said commissioners may seem proper, and the said bonds shall not be sold at less than their par value.

SEC. 2. That for the redemption of said bonds, and the payment of the interest on the same, the county commissioners of the said county of Scioto are hereby authorized to levy taxes upon all the taxable property of said county for each year, not extending beyond the year A. D. 1886, and in amount not exceeding eight-tenths (8-10ths) of one mill on each dollar of taxable property in said county in addition to the rate now authorized by law for county purposes, or for such rate not exceeding eight-tenths (8-10ths) of one mill as may be found necessary to meet and pay the interest on said bonds and provide a sum sufficient to redeem and pay the same as they become due and payable.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed February 3, 1881.



[Senate Bill No. 267.]

## AN ACT

To authorize the township trustees of Steubenville township, Jefferson county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Steubenville township, Jefferson county, be and they are hereby authorized to transfer from the railroad sinking fund and interest fund of said township, the sum of \$4,000 to the poor fund and \$500 to the road fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 4, 1881.

[Senate Bill No. 260.]

## AN ACT

To authorize the council of the village of New Lexington, Perry county to issue bonds and to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of New Lexington, Perry county, is hereby authorized to issue the bonds of said village, in any sum not exceeding fifteen hundred dollars in such denominations as may be deemed best, at a rate of interest not exceeding six per cent., payable semi-annually, and for a length of time not exceeding five years, to be sold for not less than their par value, and the proceeds to be used in the construction of a dwelling house for use of sexton in the public cemetery of said village, and after the construction of said dwelling house, if there be a surplus, from sale of bonds, the same to be used in the construction of a vault in the said cemetery.

SEC. 2. The said village council is also hereby authorized to cause levy to be made to pay said bonds, and any interest accruing, upon all the taxable property of said village, and to cause the same to be collected.

SEC. 3. Said village council is further authorized and directed hereby to transfer to the fund, for the building purposes aforesaid, the sum of one hundred and sixteen dollars and twenty cents, funds heretofore collected by taxation to purchase said cemetery grounds, being so much surplus money after payment for cemetery grounds, or bonds issued in that behalf.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 4, 1881.

[Senate Bill No. 247.]

## AN ACT

To amend section one of an act entitled "an act to authorize the county commissioners of Cuyahoga county to build a monument or memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section one of said act be so amended as to read as follows:

Section 1. That the county commissioners of Cuyahoga county be and they are hereby authorized to levy a tax upon all the taxable property of said county, not exceeding three-tenths of one mill, not more than one-third of which shall be levied and collected annually, for the purpose of erecting a monument or memorial tablet commemorative of the bravery and valor of all the soldiers and sailors from said county who were killed in any of the battles fought in the service of the republic of the United States, or who died from wounds or disease received or contracted in such service, and purchase a suitable site therefor.

SEC. 2. Original section one is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 4, 1881..

[House Bill No. 526.]

## AN ACT

To authorize the board of education of Napoleon, Henry county, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of the Union school district of Napoleon, Henry county, Ohio, for the purpose of raising money to redeem the bonds of said board of education, issued under the act of May 1, A.D. 1878, entitled an "act to enable the board of education of Napoleon, Henry county, Union school district, to borrow money to build a school-house, and now outstanding, and they are hereby authorized to issue bonds of said school district, in sums of not less than fifty dollars each, and not to exceed the amount of said outstanding bonds, and not to exceed in the aggregate twenty thousand dollars, and at a rate of interest not exceeding five per centum per annum, interest payable semi-annually, in April and October; said bonds to be made payable in a period of time not exceeding ten years, and redeemable at the pleasure of the board at any time after two years.

SEC. 2. Said bonds shall be signed by the president of the board, and attested by the secretary, who shall also keep a record of all the bonds issued, to whom issued, and when payable, and said bonds shall be negotiable, but shall not be disposed of at less than their par value.

SEC. 3. That said board of education is hereby authorized, whenever it shall, in their opinion, become necessary to levy a tax to pay said bonds, or the interest thereon, to certify that fact to the auditor of Henry county, and such auditor shall cause such sum so certified by said board to be necessary, to be levied upon the taxable property of said Union school district, and the same shall be collected as other school taxes are, and paid to the treasurer of said board:

provided, that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said district, in addition to that now, or which may be hereafter authorized by law to be raised for school and school house purposes; no part of said moneys so raised by such levy shall be used for any other purpose than the payment of said bonds, and no part of the moneys received from the sale of bonds authorized to be issued by this act, shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SEC. 4. This act to take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 8, 1881.

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[House Bill No. 519.]

AN ACT

To authorize the trustees of Poland township, Mahoning county, Ohio, to purchase the necessary grounds for a cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Poland township, Mahoning county, Ohio, are hereby authorized to submit to a vote of the electors of the first voting precinct of said Poland township at the first election held in April after the passage of this act, the question whether or not they will have a cemetery in conformity to section 1465 of the revised statutes of Ohio, of 1880, and should said electors at said election decide by a majority of all the votes cast that they will have a cemetery, then said trustees are hereby authorized to levy a tax in conformity to said section 1465, revised statutes of Ohio, on the taxable property of said first precinct, and are furthermore authorized to proceed and purchase or appropriate the land necessary for such cemetery, lay out, plat, maintain, and control the same at the expense of the tax-payers, and for the use and benefit of the citizens of the said voting precinct, in conformity to sections 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, and 1475 of the revised statutes of Ohio of 1880, and acts amendatory thereto.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 8, 1881.

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[Senate Bill No. 272.]

AN ACT

To authorize the commissioners of Trumbull county to compromise with the sureties of George B. Kennedy, late Auditor of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Trumbull county be and they are hereby authorized to settle and compromise with the sureties on the official bonds of George B. Kennedy, as auditor of said county, or any judgment that may be rendered thereon, upon the payment or securing to be paid upon time not exceeding

six months after the passage of this act by said sureties, of such sum or sums of money as to said commissioners shall seem proper and expedient.

Provided, That not less than seventy per centum of the amount of said bonds shall, in the aggregate, be paid or secured to be paid as aforesaid into the county treasury of said county, and that said sureties shall also pay all costs accrued or accruing in the suits at law now pending on said bonds; and provided, further, that such settlement shall only be made by a unanimous vote of said commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed February 15, 1881.

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[Senate Bill No. 252.]

AN ACT

To authorize the commissioners of Lawrence county to levy an additional tax for road purposes.

WHEREAS, There is an existing bonded indebtedness for road purposes in said Lawrence county, for which there has been no provision made for the payment of either principal or interest, and it is necessary that an additional levy be made to create a sinking fund to meet said bonds and interest; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lawrence county be and are hereby authorized to levy, each year, for ten years, commencing in the year 1881, in addition to the amount now authorized by law, a tax for road purposes in such county, not exceeding one mill on each dollar of the valuation for taxation of the property of such county, to be used only for the purpose of creating a sinking fund to pay the existing bonded indebtedness for road purposes of such county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed February, 15, 1881.

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[House Bill No. 568.]

AN ACT

To authorize and direct the commissioners of Scioto county to complete certain unfinished portions of free turnpikes in said county, and to levy tax to pay for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county are hereby authorized and directed to complete the construction of the unfinished portions of the following free turnpikes in said county, to wit: The free turnpike running from Otway, on the Galena road in Scioto county, up the south of Scioto Brush creek to the Adams county line; also, the free turnpike known as the Higgins free turnpike, beginning at the bridge across Duck run, on the Duck run free turnpike, and running up the valley of Scioto Brush creek, on the survey made when said road was established, to its terminus on the east bank of McCulloch's creek; also, the Mun's run free turnpike from a point near Adam Ortte's, northerly on or near the original

survey, to the Blue run church; also, the extension of the Bear creek free turnpike, from its present terminus at the mouth of said creek, to the Pike county line; also, the Buena Vista free turnpike, from its present terminus to the Adams county line.

SEC. 2. The county commissioners of the said county of Scioto may, if in their judgment the best interests of all the tax-payers of the said county require the same, extend the time of construction of the roads herein provided for, over a period of three (3) years from the passage of this act, and shall levy in each year of that time a tax sufficient to pay for, on the completion of the same, such portion or portions of each road or roads, herein provided for, as they may have decided to construct in that year.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed February 15, 1881.

[House Bill No. 648.]

#### AN ACT

To distribute the surplus dog-tax in Columbiana county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the surplus amount of the dog-tax collected in Columbiana county, for the years 1879 and 1880, after the payment of the losses for sheep killed, and the reservation of the sum required by law to be reserved, may be transferred to the bridge fund of said county for the use of said fund.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Passed February 17, 1881.

[House Bill No. 620.]

#### AN ACT

To authorize the transfer of any funds, not to exceed fifteen hundred dollars, that may remain in the treasury of the county of Williams arising from tax on dogs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any surplus funds arising from the tax on dogs, not to exceed fifteen hundred dollars, remaining in the treasury of the county of Williams, after all damages to sheep killed or injured by dogs shall have been paid for, shall be transferred to the agricultural society fund of said county of Williams.

SEC. 2. This act shall be in full force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 18, 1881.

[House Bill No. 590.]

## AN ACT

For the relief of David Cline, of Clay township, Knox county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Clay township, Knox county, are hereby authorized and required to release David Cline and his sureties on their official bond, as treasurer of said township, from the payment of the following sums of money, to wit: Three hundred and forty dollars and eleven cents (\$340.11), provided that the trustees shall submit said proposition to release, to the qualified electors of said township at the regular April election, and a majority of the electors at said election vote in favor of said release.

SEC. 2. It shall be the duty of said trustees, before submitting said proposition, to give, in one of the county newspapers of general circulation in said township, at least ten days' notice of the submission of said proposition. The form of the ballots at said election shall be as follows: "For the Release of David Cline—Yes," and "For the Release of David Cline—No."

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 18, 1881.

[House Bill No. 752.]

## AN ACT

To authorize the commissioners of Muskingum county to borrow money to complete a county infirmary.

WHEREAS, The General Assembly of Ohio did, on May 13, A.D. 1878, pass an act entitled "an act to authorize the commissioners of Muskingum county to borrow money and build a county infirmary" (O. L. 75, p. 1167 and 1168), and

WHEREAS, The sum of fifty thousand dollars to which the commissioners of said county were limited in expenditure by said act, has proved to be insufficient for the purpose therein mentioned; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Muskingum county be and they are hereby authorized and empowered to expend in completing the new county infirmary building of said county, and supplying it with heating apparatus, and water, as in their judgment may be deemed best for the public good, a sum not to exceed fifteen thousand dollars.

SEC. 2. That the commissioners of said county, for the purpose of enabling them to complete said county infirmary building in the manner provided in section one of this act, be and they are hereby authorized to borrow said sum of fifteen thousand dollars, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of said county to secure the payment of the principal and interest thereon; such interest shall be paid semi-annually at the county treasury, and the principal shall be paid in such sums, and at such times, within five years from the date of said indebtedness, as said commissioners may determine, said bonds shall not be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or

any two of them, and countersigned by the auditor of said county, with or without coupons attached, in sums of not less than fifty nor more than one thousand dollars, payable to the bearer with interest as aforesaid, at such times, not exceeding five years from the date of such indebtedness, as the commissioners may prescribe, and said bonds shall specify the object for which they were issued.

SEC. 4. The commissioners of said county shall, annually, at their June session, levy a tax upon the grand duplicate of said county in addition to the rate of taxation heretofore authorized by law, sufficient in amount to pay the interest on said indebtedness, and at least one-fifth of the principal; which said taxes shall be collected as other taxes.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 21, 1881.

[House Bill No. 757.]

#### AN ACT

To authorize the commissioners of Knox county to rebuild a certain bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Knox county, Ohio, be and they are hereby authorized to forthwith rebuild, without advertising for bids for the same, the bridge across Owl creek at Lauderbaugh's ford, so called, in said county, in such manner as they may deem advisable.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 19, 1881.

[House Bill No. 785.]

#### AN ACT

To authorize the commissioners of Holmes county, Ohio, to rebuild a certain bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Holmes county, Ohio, be and they are hereby authorized to forthwith rebuild, without advertising for bids for the same, the bridge across

Mohican river, in Washington township, in said county, in such manner as they may deem advisable.

SEC. 2. This act shall take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 21, 1881.

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[House Bill No. 733.]

AN ACT

To distribute the surplus dog tax in Paulding county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the surplus amount of the dog-tax that may be now on hand, and that may hereafter come into the treasury, not in all to exceed one thousand dollars, shall, after the payment of the taxes for sheep killed, and reservation of the sum required by law to be reserved, be paid to the Paulding county agricultural society, to be by it applied to the payment of the balance of purchase money due on the land and grounds of said society, and to the improvement of said grounds, and to such other purposes as the directors shall deem best calculated to promote the objects and interests of said society.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 1, 1881.

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[House Bill No. 700.]

AN ACT

To authorize the re-recording of the original petition, plat, and articles of incorporation of the village of Columbus Grove, Putnam county, and for other purposes.

WHEREAS, Upon the 27th day of May, A.D. 1863, a petition was presented to the commissioners of Putnam county Ohio, signed by a majority of the inhabitants of the village of Columbus Grove, in said county, being more than thirty qualified voters, praying for the incorporation of said village; which petition described the territory proposed to be embraced in said incorporated village, and had annexed thereto an accurate plat thereof, stating the name selected for said village, and designating John J. Baker as the person authorized to act in behalf of said petitioners, and was filed in the office of the auditor of said county; and

WHEREAS, Due notice, as provided by law, was given by the agent of the petitioners of the time and place of hearing the same, by publication in the "Kalida Sentinel," a newspaper published and of general circulation in said county, for more than six weeks, and by posting a copy of said notice in a public place in said village, which notice contained a copy of said petition, and stated the time and place of hearing thereof; and



WHEREAS, The commissioners of said county of Putnam on the 1st day of August, A. D. 1863, at McHenry's hotel, in said village of Columbus Grove, being the time and place of hearing specified in said notice, upon the hearing of said petition, finding that all of said proceedings had been had in accordance with law, made and indorsed upon the said petition an order that the said incorporated village, under the name of "The incorporated village of Columbus Grove," be organized; which said order was duly signed by a majority of the commissioners of said county, and by them delivered to the recorder of said county of Putnam for record; and

WHEREAS, It appears by the records in the office of the secretary of state, that a certified copy of the record of the plat and proceedings of the incorporation of said village, duly certified by the recorder of said county of Putnam, was, on the 10th day of March, A. D. 1864, received and filed in the office of the secretary of state; and

WHEREAS, No record of the said petition and order of the commissioners can now be found in the recorder's office of said county of Putnam, and the copy of the same has been lost from the files of the office of the secretary of state, and it is believed that the said original petition and order of the commissioners, and the record thereof, were destroyed by the burning of the courthouse of said county of Putnam, in the year 1865; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the mayor and council of the incorporated village of Columbus Grove, in Putnam county, be and they are hereby authorized to cause a copy of said petition for incorporation, as contained in the published notice of the time and place of hearing the same, to be forthwith recorded in the record of incorporations in the office of the recorder of said county, and a copy thereof, duly certified by said recorder, to be forwarded to the secretary of state, which said record and filing shall have the same force and effect as if it had been made on the said 8th day of March, A. D. 1864.

SEC. 2. That a copy of the record of the said plat and description of territory, with the petition and order of the commissioners, duly certified by the recorder of said county, or by the secretary of state, shall be sufficient evidence of the incorporation of said village of Columbus Grove, at and from the said 8th day of March, A. D. 1864.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 1, 1881.

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[House Bill No. 632.]

#### AN ACT

To authorize the commissioners of Brown county to redeem the unpaid bonds issued for the construction of the "Ripley and Straight Creek free turnpike road improvement," in said county, to issue bonds, and to levy a tax for the payment of the same, and to equalize the assessments on said road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county be and they are hereby authorized and directed to redeem the bonds yet outstanding and not redeemed, which were

issued by said county to pay for the construction of the "Ripley and Straight Creek free turnpike road improvement," in said county, and to issue in lieu thereof the bonds of said county, payable in one, two, and three years, with not to exceed six per cent. interest, payable semi-annually.

SEC. 2. All the lands which are now assessed and delinquent for the construction of said road improvement, shall be reassessed by the auditor of said county, with an equitable and ratable proportion, each (based upon the present assessments) of an amount sufficient to liquidate and pay the principal of said bonds now outstanding and unredeemed; said new assessments to be made, shall be payable in six equal semi-annual installments, and all former assessments for said road improvement, and all judgments and decrees rendered upon any such assessments, shall be satisfied and released by the auditor of said county: provided, that all lands which have paid assessments for said road in excess of the ratio paid by the lowest, shall be exempt from further assessments for road improvement purposes, until all lands in said county have contributed an equal amount toward such purpose.

SEC. 3. Said new assessments shall be a lien on the lands on which the same are made for the amount thereof, from the time of such former assessments, and shall be collected by the treasurer of said county as other other assessments are now authorized to be collected by law, and shall be applied, when collected, to the payment of the bonds authorized by this act.

SEC. 4. The commissioners of Brown county are hereby authorized to levy a tax of not exceeding one-tenth of one mill on the dollar of the taxable property in said county for two years, to pay such portion of said bonds as may remain unprovided for by the assessments authorized by this act.

SEC. 5. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 11, 1881.

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[House Bill No. 767.]

AN ACT

To authorize the board of education of the village district of the incorporated village of Woodfield, Monroe county, to refund its present indebtedness for school house purposes.

WHEREAS, In the years 1871 and 1872 the board of education of the village district of Woodfield, Monroe county, erected a school building, and in payment thereof issued the bonds of the district to the amount of \$12,300, payable at different times, and bearing interest at the rate of eight per cent., payable semi-annually; and,

WHEREAS, \$7,700 of said bonds are yet outstanding, and nearly all of them due; and,

WHEREAS, It is desired by said board of education to refund the same at a lower rate of interest; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village district of the incorporated village of Woodfield, Monroe county, be and the same is hereby authorized and empowered to issue new bonds of the district, signed by the president and attested by the clerk of said board, not exceeding in the aggregate the sum of seven thousand seven hundred dollars, and payable from time to time, not exceeding fif-

teen years, as the board may elect; which bonds shall be in denominations of not less than one hundred nor more than one thousand dollars each, as may be fixed by the board, and shall be made payable to bearer, and bear interest at a rate not exceeding six per cent, payable semi-annually: provided, however, that said bonds shall not be sold at less than par; and the proceeds thereof shall be expended in paying and taking up the bonds now outstanding, and for no other purpose whatever.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, said board of education is hereby empowered to levy a tax, annually, on all of the taxable property of said village district, sufficient to pay the interest on all of said bonds, annually, and the principal of said bonds respectively, as the same shall fall due, which levy shall be placed on the tax duplicate by the auditor of the county, and collected as other taxes are collected.

SEC. 3. This act shall take effect on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[Senate Bill No. 358.]

#### AN ACT

To authorize the village of Jamestown, Greene county, Ohio, to build a fire engine hall, and to issue bonds for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Jamestown, Greene county, Ohio, be and the said council is hereby authorized to issue the bonds of said village in any sum not exceeding five thousand dollars (\$5,000), bearing interest at a rate not exceeding six per cent. per annum from the day of issue, payable semi-annually, for the purpose of purchasing a site, and erecting thereon a public hall, to be used for a fire engine house, a firemen's hall, a mayor's office, and other village offices, and such other public purposes as the council may authorize.

SEC. 2. The said bonds shall be signed by the mayor, and countersigned by the clerk of said village. They shall not be sold for less than their par value, and shall be issued in such denominations as will, in the judgment of said council, best subserve the negotiation and sale thereof. The principal shall be payable at such time as the council of said village may determine by ordinance, within a period not exceeding ten years.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the council is hereby authorized and empowered to levy and assess a tax, in accordance with law, upon all the taxable property of said village, to be certified in accordance with law, and to be collected as other taxes for village purposes; and the money so raised shall not be used for any other purpose than the paying of said bonds and the interest thereon.

SEC. 4. Before such bonds shall be issued, or before any contract shall be made for the purchasing of ground and the erection of said village fire engine hall, the question of such issue and contract shall be first submitted to the voters of said incorporated village at some general or special election, to be held at the usual place of holding elections therein, and at such time as a majority of the members elected to said council by resolution shall determine, of which

ten days' notice shall be given in a newspaper of general circulation in said village, and by notices posted up in at least five public places in said village, designating the time of such election and the proposed amount of bonds to be issued. Those in favor of the erection of said fire engine hall and the issue of said bonds shall have written or printed on their ballots, "Fire engine hall—Yes;" and those opposed, "Fire engine hall—No." The village clerk shall provide the necessary ballots for the use of electors of said election, which shall be conducted in accordance with the laws of the state; but the returns thereof shall be made to said village clerk, who shall present the same to the village council at their next regular meeting thereafter, when the same shall be opened and canvassed by said council, and the result declared and entered upon the minutes; and if it shall appear that a majority of the ballots voted at said election had upon them "Fire engine hall—Yes," then said council may proceed to issue said bonds, and contract for the purchase of a site, and erection of a fire engine hall, and not otherwise.

SEC. 5. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[Senate Bill No. 277.]

AN ACT

To authorize and empower the village council of the incorporated village of Coshocton, in the county of Coshocton, Ohio, to transfer certain money from the police fund and right-of-way fund to the building fund and light fund in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the village council of said village of Coshocton be and they are hereby authorized and empowered to transfer twelve hundred dollars permanently from the police fund of said village to the building fund therein; also, to transfer five hundred dollars from the right-of-way fund of said village to the light fund therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

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[House Bill No. 768.]

AN ACT

To authorize the commissioners of Portage county to build fire proof addition, and to remodel and repair the present court house in said county, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Portage county be and they are hereby authorized and

empowered to build a fire-proof addition, and also to repair and rearrange the present court-house of said county, at a cost not to exceed twenty-five thousand dollars.

SEC. 2. That for the purpose of constructing such building and making such repairs, the commissioners of said county are hereby authorized to borrow the money necessary therefor, for which they may issue the bonds of the county, bearing interest at the rate of not more than six per cent. per annum, payable semi-annually, principal and interest to be payable at such place and times as the commissioners may prescribe, not more than three years from date of said indebtedness, and not to be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached in sums of not less than one hundred, nor more than one thousand dollars each, payable to bearer, and specifying distinctly the purpose for which they were issued.

SEC. 4. The board of commissioners shall, annually, at their June sessions for 1881 and 1882, cause to be levied upon the tax duplicate of the county such amount of taxes as shall be necessary to pay the accruing interest upon said bonds and such part of the principal as falls due each year, not to exceed in any one year one mill on the dollar of valuation of taxable property of said county.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 11, 1881.

[Senate Bill No. 321.]

AN ACT

To repeal a special act, passed April 19th, 1877 (O. L., vol. 74, page 448), entitled "an act to provide for the straightening, clearing out, widening, deepening, and otherwise improving Stillwater ditch and creek, also its tributaries, in Darke county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be and the same is hereby repealed; provided, said repeal shall not invalidate any of the contracts made and entered into in the construction of said ditch.

SEC. 2. That the auditor of Darke county, Ohio, is hereby required to enter said ditch improvement on the records of county ditches, under the name of Stillwater ditch, to be kept in repair under the same provisions of law as other county ditches.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 11, 1881.

[Senate Bill No. 309.]

## AN ACT

To authorize the commissioners of Knox county to transfer funds from the tax on dogs, to the Knox county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Knox county, Ohio, be and they are hereby authorized to transfer to the Knox county agricultural society, any funds now in the treasury of said county raised from the taxation of dogs, and not used or necessary for the purpose for which it was raised, to be used by said society for the payment of debts and improvement of its grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1881.

[House Bill No. 694.]

## AN ACT

To authorize the council of the city of Xenia to sell the city hospital property in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Xenia, Greene county, be and they are hereby authorized and empowered to sell the property in said city known as the "City Hospital," at public sale, after giving twenty days' public notice thereof, upon such terms as to time of payment therefor as said council may, by resolution determine.

SEC. 2. Upon the sale of said property, and the payment of the price for which it may sell into the treasury of said city, the mayor thereof shall execute the necessary deed or deeds therefor; the money arising from said sale shall be placed to the credit of the sinking fund of said city.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

[House Bill No. 755.]

## AN ACT

To authorize the trustees of Cadiz township, Harrison county Ohio, to improve the street and road leading to the township cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Cadiz township, Harrison county, Ohio, be and they are hereby

authorized to improve, by macadamizing the street and road in said township leading from the intersection of Charleston and East Market streets, in the village of Cadiz, to the township cemetery, at a cost not to exceed twelve hundred dollars (\$1,200), and pay for the same out of the road funds of said township.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

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[House Bill No. 662.]

AN ACT

To authorize the council of the village of Marysville to issue bonds to pay for a steam fire-engine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of raising money to pay balance due on a steam fire-engine for the incorporated village of Marysville, Union county, Ohio, the purchase of which has been duly ratified by a majority vote of the electors thereof, the village council of said village are hereby authorized and empowered to issue the bonds of said village in such sums as the said council may determine, and in the aggregate not to exceed twenty-four hundred and eighty dollars, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first days of March and September of each year. The payment of the principal of said bonds shall not be deferred beyond a period of four years.

SEC. 2. Said bonds shall be signed by the mayor and attested by the clerk of said village, who shall keep a record of all bonds issued and to whom issued. Said bonds shall be negotiable and payable in such place as the said council may determine, which place shall be specified in said bonds, and they may negotiate said bonds for cash, but shall not dispose of them at less than their par value.

SEC. 3. That said council are hereby authorized and directed to levy an annual tax to pay the interest of said bonds, and a sufficient tax to pay the principal thereof as the same may become due.

SEC. 4. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

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[House Bill No. 778.]

AN ACT

To authorize the transfer of funds arising from tax on dogs, in Brown county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the surplus amount of dog tax collected in Brown county Ohio, for the year

1880, after the payment of losses for sheep killed, and the reservation of the sum required by law to be reserved, shall be paid into the infirmary fund of said county for the use of said fund.

SEC. 2 This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

[House Bill No. 379.]

#### AN ACT

To repeal an act entitled "an act to divide the township of Findlay, Hancock county, into two election precincts," passed March 29, 1875. (O. L., vol. 72, page 259.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the act entitled "an act to divide the township of Findlay, Hancock county, Ohio, into two election precincts," passed March 29, 1875, (Ohio laws, volume 72, page 259), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881.

[Senate Bill No. 388.]

#### AN ACT

To authorize the commissioners of Huron county to purchase additional grounds and enlarge and improve their court-house, and to borrow money by an issue of bonds to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of commissioners of Huron county be and they are hereby authorized to purchase additional grounds adjoining those now occupied for the court-house at Norwalk, and enlarge and improve said court-house, at a cost not exceeding the amount of money produced by a tax levy of two-tenths (2-10) of one per cent. upon the grand duplicate of the county.

SEC. 2. To carry out the provisions of this act, said commissioners are hereby authorized by taxation, at a rate not exceeding four-tenths of one mill per annum on the dollar of the valuation of the property of the county subject to taxation, to raise the amount of money necessary for that purpose, not exceeding the sum produced by said two-tenths of one per cent. upon the grand duplicate of said county; and in anticipation of the collection of such taxes, such commissioners shall have power to issue the bonds of said county, in denominations of not less than five hundred dollars each, and not exceeding one thousand dollars each, payable at the treasurer's office of the county, one-fifth of the whole issue in one year from date; one-fifth in two years; one-fifth in three years; one-fifth



in four years; and one-fifth in five years from said date, with interest at a rate not exceeding six per cent. per annum, payable semi-annually, at the office of said county treasurer, and the bonds so issued shall not be sold at less than their par value.

SEC. 3. The said bonds shall be issued and signed by said commissioners, or any two of them, and countersigned by the county auditor, who shall keep and preserve a record of the bonds so issued, and said bonds shall have such coupons or interest warrants attached thereto as said commissioners may direct, and said bonds shall be numbered consecutively, and be made payable to bearer.

SEC. 4. Said commissioners shall, annually, at their June session, levy an amount of taxes sufficient to pay the interest on said bonds and at least one-fifth of the principal thereof.

SEC. 5. Said commissioners may, in their discretion, advertise for proposals for the entire work, at a single job, to the lowest responsible bidder, or may receive and accept bids upon separate parts of said work, and said commissioners may have the right of rejecting any bids as in their discretion they may deem advisable.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 17, 1881.

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[House Bill No. 737.]

AN ACT

To increase the levy for the purpose of continuing the schools in the special school districts of Nelsonville and Coolville, in Athens county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education for the special school district of Nelsonville, and the board of education for the special school district of Coolville, in Athens county, be and they are each hereby authorized to levy a tax for the years 1881, 1882 and 1883, not exceeding three mills on the dollar annually, on all the taxable property in said special school districts, in addition to the levy now authorized by law for the continuance of the schools in said special school districts.

SEC. 2. Said tax to be levied and collected in the same manner as taxes for the common school fund are levied and collected; provided, that before any power herein conferred shall be exercised, the respective boards of education shall submit in each special school district, the question of the exercise of such powers to the qualified electors of such special school districts, at the regular spring or any special election to be called by said boards of education, by publishing the same in one or more papers of general circulation within the limits of the special school districts herein named, at least ten days before the day of such election, calling attention to the time and place at which said election will be held, and the object and purpose thereof, the ballots to be voted at such election shall have written or printed thereon the words, "Additional tax for school purposes—Yes," "Additional tax for school purposes—No." That the poll-books and tally sheets of such election shall be forthwith, after the close of said election,

returned to the clerk of such board of education, and the said board of education shall, at its next regular meeting thereafter, provide for the canvassing of said returns, and shall cause the result to be entered upon the journal of said board of education, and proceedings of that meeting, and if it shall appear that a majority of the electors voting at said election have not voted in favor of said proposition, said boards of education shall not exercise any of the powers in this act conferred and authorized.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 17, 1881.

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[House Bill No. 655.]

AN ACT

To authorize the commissioners of Seneca county, Ohio, to transfer funds from tax on dogs to Seneca county agricultural society, to pay its indebtedness and to improve and add to its grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of paying the indebtedness of the Seneca county agricultural society, completing improvements on said society's grounds, and purchasing additions thereto, the county commissioners of said Seneca county, Ohio, be and they are hereby authorized, from year to year, to transfer to the Seneca county agricultural society, for the purposes aforesaid, so much as may be needed for such purposes, not exceeding in the aggregate the sum of ten thousand dollars, of any funds that may remain from the per capita tax on dogs in said county after the payment of all claims for sheep killed or injured, as provided in section 4215 of the revised statutes of Ohio.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 17, 1881.

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[House Bill No. 680.]

AN ACT

To authorize the commissioners of Athens county to borrow money and levy a tax for the building of a sewer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of the county of Athens be and are authorized to construct a sewer from the court-house and jail of said county, by the way of Court street, in the village of Athens, or by the most practicable route to the Hocking river; for the purpose of paying for the said sewer, the

said board of commissioners are authorized to make an annual levy of sufficient amount on the valuation of all taxable property of said county, for the term of two years, which shall be collected by the treasurer of said county, as other taxes are, and when so collected, shall constitute a sewerage fund, to be used for that purpose only.

SEC. 2. For the collection of said tax, the said board of commissioners are authorized to issue the bonds of said county, not exceeding the sum of three thousand dollars (\$3,000), in sums not less than one hundred dollars, bearing interest at six per cent. per annum, payable annually, and falling due in one and two years, which shall not be sold at less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[House Bill No. 866]

AN ACT

To authorize the commissioners of Ashtabula county, Ohio, to transfer funds from tax on dogs to the Ashtabula county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ashtabula county, Ohio, be and they are hereby authorized to transfer to the Ashtabula county agricultural society any funds in the treasury of said county raised from the taxation of dogs, and not used or necessary for the purpose for which it was raised, the sum of one thousand dollars, to be used by said society for the payment of its debts and improvement of its grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1881.

[House Bill No. 876.]

AN ACT

For the relief of Hiram L. Dodge and his sureties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of New Lyme, Ashtabula county, are hereby authorized to release Hiram L. Dodge, treasurer of said township, and the sureties on his official bond from the payment of the sum of three hundred and sixty-five dollars (\$365), township funds belonging to said township of New Lyme: provided,

that said trustees shall notify the qualified electors of said township, by posting notices in three of the most public places therein, at least ten days before the annual township election, of the submission of the proposition to release the said Hiram L. Dodge and the sureties on his official bond; and when such proposition shall have been submitted as herein provided, if upon counting the votes, a majority of two-thirds shall read, "For release—Yes," then the trustees shall release the said Hiram L. Dodge and his sureties from the payment of said sum; but if a majority of the votes cast shall read, "For release—No," then the said Hiram L. Dodge and his sureties shall not be released, and no ballots shall be counted not having written or printed on them the words "For release—Yes," or "For release—No," and all ballots upon this proposition shall be deposited in a separate box from that in which the ballots for township officers shall be deposited.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 18, 1881.

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[House Bill No. 732.]

AN ACT

To encourage the killing of woodchucks or ground-hogs in Erie county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person in Erie county killing an animal known as the ground-hog or woodchuck, within said county, shall, on the presentation of the scalp of such animal to the clerk of the township where he or they may reside, be entitled to a certificate to the amount of twenty-five cents for the scalp of each woodchuck so presented, and the township clerk shall destroy the scalps so presented.

SEC. 2. The auditor of Erie county, on the presentation of such certificate by the person to whom it was given, or his order, shall issue an order on the county treasurer for the amount of the certificate so presented, to be paid out of the surplus dog tax fund, and such orders shall be preserved by the treasurer as other orders are preserved, and it shall be the duty of the auditor to keep an account of all such orders, as other orders are kept.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 21 1881.

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[House Bill No. 750.]

AN ACT

To provide for the issuing and payment of bonds by the commissioners of Champaign county, to meet a deficiency in the levy for bridge fund in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Champaign county, for the purpose of meeting and pro-

viding for a deficiency in the bridge fund for said county, be and they are hereby authorized to issue the bonds of said county for an amount not exceeding ten thousand dollars, in sums of not less than one hundred nor more than five hundred dollars, bearing a rate of interest not exceeding six per centum per annum, payable semi-annually, payable at such times not exceeding two years from their date, as to said commissioners may seem proper, and not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, said commissioners are hereby empowered, annually, during the years 1881 and 1882, at their June session, in said years, to levy a tax not exceeding three-tenths of a mill on the dollar for the years 1881 and 1882 in addition to levies for road and bridge purposes now authorized by law to be levied upon all the taxable property of said county.

SEC. 3. That the bonds so issued shall be signed by the commissioners or any two of them, and countersigned by the county auditor.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 21, 1881.

[House Bill No 776 ]

#### AN ACT

To authorize the commissioners of Auglaize county, Ohio, to transfer funds from tax on dogs to the Auglaize county agricultural society

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Auglaize county, Ohio, be and they are hereby authorized to transfer to the Auglaize county Agricultural society any funds in the treasury of said county raised from the taxation of dogs, and not used or necessary for the purpose for which it was raised, not to exceed the sum of eight hundred dollars, to be used by said society for the purchase of additional fair grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 21, 1881.

[House Bill No 726 ]

#### AN ACT

To authorize the commissioners of Scioto county to levy a tax for the purpose of constructing certain free turnpikes in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county be and hereby are authorized to levy a tax

of seven (7) tenths of one mill on the dollar of the duplicate valuation of the property in said county for the year 1882, and seven (7) tenths of one mill on the duplicate valuation of the property in said county for the year 1883, the proceeds of which shall be applied to the construction of the following free turnpikes, to wit:

Route No. 1. From Bloom switch to Chaffin's mills on the following route: beginning at the free turnpike at Bloom switch in Bloom township, thence in an easterly direction across the lands of Elias Bennett and Asaph Bennett, crossing Hale's creek at or near the Ralston mill, thence through the lands of H. Holman, thence across Pine creek, at or near Holman's school-house, in district No. 5, thence through the lands of Frederick Cook, into Vernon township, thence in a southerly direction across the lands of Thomas Call, S. Chaffin, I. N. Hamner, and A. M. Collett, to the Chaffin's mills turnpike at Chaffin's mills, the said route being about five (5) miles in length.

Route No. 2. Running from Bloom switch up Hale's creek, passing the Bloom furnace brick house to the Lawrence county line, near said house, the said route being about four (4) miles in length.

Route No. 3. Running from Bloom switch, past Bloom furnace, to the Lawrence county line, the said route being about two (2) miles in length, and the Powellsville branch and Cary's run free turnpike.

SEC. 2. The residue of the sum raised in accordance with the provisions of the preceding section of this act, if any there be, shall be applied to the payment of any of the bonded indebtedness of the county of Scioto, or of any pre-existing indebtedness of said county on account of the construction of any free turnpikes, heretofore authorized by law to be constructed, at the discretion of the commissioners of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 21, 1881.

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[House Bill No. 759.]

#### AN ACT

To divide Liverpool township, Columbiana county, into two election precincts,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the township of Liverpool, in Columbiana county, is hereby divided into two election precincts for all state, county, and township purposes, to be denominated and known as the eastern and western precincts of Liverpool township. The boundary of said precincts to be as follows, to wit: the said eastern precinct shall be all that part of Liverpool township lying east of the line commencing at a point on the Ohio river, in said township, where the line of the middle of Market street, in the village of East Liverpool, strikes said river, and running thence northward with the middle of Market street, West Market street, and what is known as the Carpenter Run road, to the northern line of said township. The said western precinct shall be all that part of said Liverpool township lying west of said line. The place of holding elections in said eastern precinct is hereby fixed at the town-house on the south-east corner of the public square, in the village of East Liverpool. The place of holding elections in said

western precinct is hereby fixed at the frame building on the south-west corner of the public square, in the village of East Liverpool, or at some other suitable place in that part of the said village of East Liverpool lying within the boundary of said western precinct, as may be designated by the township trustees of said Liverpool township.

SEC. 2. The trustees of said Liverpool township shall give at least ten (10) days' notice of the time and place of holding elections in the said precincts of said township, prior to the fourth day of April, 1881, by posting up written or printed notices in such number of places as to them seems proper, for the general information of the electors of said several precincts.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

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[Senate Bill No. 330.]

AN ACT

To authorize the city council of the city of Lancaster to issue bonds for the purpose of improving and extending the water-works of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Lancaster in the county of Fairfield, Ohio, be and is hereby authorized and empowered to issue the bonds of said city in any sum not exceeding twenty-five thousand dollars (\$25,000), bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and to be of such denominations as the said city council shall by ordinance provide, but not less than fifty dollars each, and shall be made payable at such time or times as such council shall determine, not exceeding five years from their date, and shall not be sold for less than their par value, the proceeds of such bonds to be used for the purpose of improving and extending the water-works of said city, and for no other purpose. The said bonds shall be signed by the president of the city council, attested by the clerk.

SEC. 2. Provided, before said bonds are issued, the city council shall submit the proposition to the electors of said city at some general election, or at some special election to be held for that purpose, at such time as a majority of said city council shall, by resolution, determine, notice of which shall be given of the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election, in at least two newspapers of general circulation in said city, and the form of ballot shall be as follows: Those in favor of the extension and improvement of the water-works shall have written or printed upon their ballots, "Extension and improvement of water-works—Yes;" and those who are opposed to the extension and improvement of the water-works shall have written or printed upon their ballots, "Extension and improvement of water-works—No." The election shall be held in accordance with the election laws of the state, but the returns thereof shall be made to the city clerk, who shall present the returns to the city council at the next regular meeting, when the same shall be opened and canvassed, and the result declared and entered upon the minutes, and if it shall appear that a majority of the ballots cast at said

election were in favor of the extension and improvement of the water-works, then the said council shall proceed to issue said bonds, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Bill No. 893]

# AN ACT

To authorize the council of the village of Canal Fulton, Ohio, to transfer the moneys now to the credit of the street, fire department, interest and marshal funds of said village, to the general and sinking funds of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Canal Fulton, Stark county, Ohio, be and is hereby authorized to transfer from the moneys now to the credit of the street fund of said village the sum of three hundred and fifty dollars (\$350), to the sinking fund of said village, and the sum of two hundred and sixteen dollars (\$216) from the fire department fund of said village to the sinking fund of said village, and fifty dollars (\$50) from the fire department fund of said village to the general fund of said village, and fifty dollars (\$50) from the interest fund of said village to the general fund of said village, and fifty dollars (\$50) from the marshal's fund of said village to the general fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 22, 1881.

[Senate Bill No. 359]

# AN ACT

To authorize the board of education of the Celina school district, Mercer county, Ohio, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of refunding the indebtedness of said district, the directors of the school district, in the village of Celina, of Mercer county, and state of Ohio, be and they are hereby authorized to issue the bonds of said district, not



exceeding fifteen thousand dollars, payable at such times and places as said board may determine.

SEC. 2. Said bonds shall be issued by said board, and signed by the president and attested by the secretary thereof, who shall keep a record thereof, and said bonds shall bear interest at a rate not exceeding six per cent. per annum, and shall not run longer than fifteen years after the date thereof, and shall be in such amounts as said board may determine. Said bonds shall not be sold for less than their par value, and the funds arising from the sale thereof shall only be used in payment of the bonded indebtedness of said district.

SEC. 3. The directors of said district shall annually at the June session, levy such amount of taxes as is necessary to pay said indebtedness and interest as the same becomes due and payable.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate*

Passed March 23, 1881.

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[Senate Bill No. 376 ]

AN ACT

To authorize the commissioners of Ottawa county to levy a tax to pay certain claims.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county, Ohio, are hereby authorized to publish in some newspaper, printed and of general circulation in said county, for four consecutive weeks, for all persons holding county orders, issued by the commissioners of said county, for the construction of the drain and ditch along the Locust Point and Fremont turnpike, in the townships of Salem and Carroll, in said county, to present and file all such orders as have been issued and remain unpaid, with the county auditor, within one year from the time of the publication of such notice.

SEC. 2. That the county commissioners, after the expiration of the year, as is provided in section one, at any regular session, shall examine all such orders so filed with the said auditor, and if they find the same to be due and unpaid for the work on said improvement or drain, the said commissioners are hereby authorized to levy a tax to pay the same.

SEC. 3. This act to take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 23, 1881.

[House Bill No. 652.]

## AN ACT

To authorize the county commissioners of Lucas county to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lucas county, Ohio, be and they are hereby authorized to issue the bonds of said Lucas county, not to exceed in amount the sum of one hundred thousand dollars, bearing a rate of interest not to exceed six (6) per cent. per annum, the interest payable semi-annually, and to dispose of the same from time to time at not less than their par value, and the same shall be payable in from five (5) to ten (10) years from the date thereof, but the same shall be redeemable in whole or in part, at the pleasure of the county commissioners of said county at any time after five years from their respective dates upon giving six (6) months' notice of their intention to redeem the same, in two newspapers published in the city of Toledo, Ohio. Said bonds may be issued in sums of one hundred dollars or its multiple, and at such times and in such amounts as may be necessary to meet and discharge the liabilities and expenses of said county, and the same shall be signed by said commissioners and countersigned by the auditor of said county.

SEC. 2. That for the redemption of said bonds the county commissioners of said county are hereby authorized to levy taxes on all the taxable property in Lucas county for such years, and in such amounts, as they shall deem necessary to meet and pay the interest and principal of such bonds as the same may become due and payable, or become redeemable as aforesaid.

SEC. 3. That upon the sale of said bonds the county commissioners and county auditor are hereby authorized to apportion the proceeds thereof to the several funds as may be required by the necessities of said county:

SEC. 4. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives,*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Bill No. 895.]

## AN ACT

To authorize the commissioners of Holmes county to transfer certain funds in the treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Holmes county, Ohio, be and hereby are authorized to transfer from the two per cent. fund to the building fund any balance of said two per cent. fund remaining in the treasury of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[Senate Bill No. 394.]

## AN ACT

To authorize the commissioners of Pickaway county to rebuild a bridge across the Scioto river at Circleville.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pickaway county be and they are hereby authorized to proceed to rebuild the bridge across the Scioto river at Circleville, on the road known as the Circleville and Washington turnpike, destroyed by fire March 20, 1881, and may dispense with the advertising for proposals for the same as required by the general law.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 23, 1881.

[House Bill No. 861 ]

## AN ACT

To establish a special school district in Killbuck township, Holmes county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a special school district in the township of Killbuck, Holmes county, Ohio, be and hereby is established in and of the territory comprised in the following description; viz.: The northern boundary being the Cleveland, Mt. Vernon and Columbus railroad, west to the center of section nine (9), range eight (8), township (8), thence south to the southern line of section nine (9), thence east to the south-east corner of section nine (9), thence south-easterly through section eleven (11) to the south-east corner, thence east to the south-east corner of section fifteen (15), range eight (8), township eight (8), thence north to the Cleveland, Columbus and Mt. Vernon railroad.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 24, 1881.

[House Bill No. 766.]

## AN ACT

To amend an act entitled "an act to authorize the city council of the city of Dayton to invest the market-house fund of said city in United States or other bonds," passed April 17, 1880. (Ohio Laws, volume 77, page 407.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above entitled act be amended so as to read as follows:

Section 1. That the city council of the city of Dayton, Ohio, are hereby authorized to invest the amount of money now in the city treasury of said city to the credit of the market-house fund, and the money that will hereafter arise from the sale of market-house space, in United States securities, or in bonds of said city, or bonds of the county of Montgomery, until such time as the same shall be required to redeem the market-house bonds of said city, that being the purpose for which said fund is set apart.

SEC. 2. That said original section 1 of said act of April 17, 1880, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

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[House Bill No. 747]

#### AN ACT

Authorizing the auditor of Butler county, Ohio, to strike out from his settlement sheet with the clerk and treasurer of St. Clair township, in said county, an account of money which has been lost by defalcation, and is uncollectible.

WHEREAS, There exists a deficit of two thousand four hundred and eighty-eight 56-100 dollars (\$2,488 56-100) in the treasury of the board of education of St. Clair township, Butler county, Ohio, by reason of the defalcation of two treasurers of said township, and

WHEREAS, All means for the collection of the same have been exhausted; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Butler county, Ohio, is hereby authorized and empowered to strike the account and settlement sheet with St. Clair township, in said county, to the amount of two thousand four hundred and eighty-eight and 56-100 dollars (\$2,488 56-100), now charged against such board of education of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

[House Bill No. 725.]

## AN ACT

To authorize the county commissioners of Lucas county to pay certain claims.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lucas county be and are hereby authorized to pay Smith Jenkins and George Black a sum, not to exceed three hundred dollars, as they may deem just and equitable, for losses sustained in crossing a defective bridge over Swan creek, in said county.

**SEC. 2.** This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

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House Bill No. 689.]

## AN ACT

To authorize the trustees of Granville township, Licking county, to levy a tax and issue bonds to raise money to repair the town hall of said township.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Granville township, Licking county, be and the same are hereby authorized to repair the town hall of said township, and to raise money for that purpose, not exceeding twenty-five hundred dollars, in the manner hereinafter provided.

**SEC. 2.** The said trustees of said township are hereby authorized to issue bonds, not exceeding in amount the said sum of twenty-five hundred dollars, which may be used in payment for said repairs, or sold for not less than the par value thereof, and the proceeds of such sale thereof applied to said purpose.

**SEC. 3.** Said bonds as aforesaid authorized to be issued, shall be signed by the trustees of said township and countersigned and registered by the clerk of said township, and may be issued in denominations of not less than fifty nor more than two hundred dollars, bearing interest at the rate of six (6) per centum per annum, payable annually, the principal and interest to be paid in one, two, and three years from the time of issuing the same, and in such amounts each year as said trustees may direct.

**SEC. 4.** For the payment of the principal and interest of said bonds as the same shall become due, the trustees of said township are hereby authorized and required to levy a tax on all taxable property of said township in such amounts as will each year meet the principal and interest then falling due upon said bonds.

**SEC. 5.** Before the said trustees shall have the right to issue said bonds, the question of issuing the same shall be submitted to the qualified electors of said township at a regular or special election, called by the trustees, of which at least ten days' notice shall be given, by posting up notices, specifying the object of said election, in at least four conspicuous places of said township, of the time and place of holding said election; and if two-thirds of the electors voting

at said election on said question shall vote in favor of the same, then and not otherwise said trustees shall be authorized to issue said bonds as herein above provided. Those voting in favor of the proposition shall have written or printed on their ballots, "For the Issue of Bonds;" and those voting against the proposition shall have written or printed on their ballots the words, "Against the Issue of Bonds."

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 24, 1881.

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[Senate Bill No. 294.]

#### AN ACT

To authorize the village of Ashland, Ashland county, Ohio, to borrow money to build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Ashland, county of Ashland, be and it is hereby authorized to borrow money, not exceeding thirty thousand dollars in amount, for the purpose of erecting a building containing a town-hall and offices for the officers of said corporation; and the council of said village is hereby authorized to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and said bonds shall be of such denominations, and shall mature at such times as the council shall determine: provided, that such bonds shall not be sold less than their par value.

SEC. 2. That the council may in its discretion enter upon and occupy as a site for the proposed building the ground known as the public square, lying immediately east of the present site, being lot thirty-two in said village of Ashland; and the contract for such work shall be let upon plans and specifications provided by said council in accordance with the general laws of the state: provided, a notice shall be published for three consecutive weeks in two newspapers published in said village, of the time and place of letting such contract, shall be sufficient.

SEC. 3. No bonds shall be issued for said improvement until the question of their issue shall have been submitted to the qualified electors of said village, after notice thereof has been given at least ten days prior to said election, at a regular or special election, and two-thirds of said electors voting shall vote in favor of issuing said bonds.

SEC. 4. That said council of said village is hereby authorized to levy a tax on all the taxable property within the corporate limits of said village to pay

said bonds, together with interest thereon, as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 5. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

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[House Bill No. 764.]

#### AN ACT

To authorize the construction of sewers in the village of Defiance, Defiance county, state of Ohio, and for the borrowing of money to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Defiance, Defiance county, Ohio, be and they are hereby authorized to construct sewers in Wayne and Jefferson streets, and their extensions in said village respectively, to be paid for out of the sewer fund of said village, and to fully complete the work of constructing said sewers, said council are authorized to borrow money and issue bonds therefor, to be known as "sewer bonds," not exceeding fifteen thousand dollars, issued in such sums as may be desired, bearing interest at the rate of six per cent. per annum, payable semi-annually, and not to run longer than fifteen years, as said council may determine, said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds with the interest as the same may become due, the council of said village of Defiance are hereby authorized and empowered to levy a tax in addition to the taxes now by law allowed, upon all the taxable property of said village, both real and personal, at such time or times and in such amount or amounts as may be necessary, the same to be certified by the clerk of said village to the county auditor, by whom the same shall be entered upon the duplicate of said county, and collected as other taxes, and the money so raised shall be paid over to the treasurer of said village for the use of the sewer fund, and paid out on the order of the council for the purpose specified by this act and for no other purpose whatever.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1881.

[House Bill No. 771.]

## AN ACT

To authorize the commissioners of Fulton county, Ohio, to transfer funds from tax on dogs, to the Fulton county agricultural society, to pay its indebtedness, and improve its buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of paying the indebtedness of the Fulton county agricultural society, and improving the buildings upon the grounds of said society, the county commissioners of said Fulton county are hereby authorized to transfer to the Fulton county agricultural society for the purposes aforesaid, the sum of five hundred dollars of the fund arising from the per capita tax on dogs in said county: provided, there shall remain of said fund a sufficient amount for the payment of all claims for sheep killed or injured, as provided in section 4215 of the revised statutes of Ohio.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 31, 1881.

[House Bill No. 868.]

## AN ACT

To authorize the board of education of the Bradford special school district, Miami and Darke counties, Ohio, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Bradford special school district of Darke and Miami counties, Ohio, for the purpose of raising money to redeem the bonds of said board of education, issued under the act of May 5, 1873, entitled "an act amendatory of an act for the reorganization of and maintenance of common schools," and now outstanding, be and they are hereby authorized to issue bonds of said school district of Bradford, Darke and Miami counties, Ohio, in sums of not less than one hundred dollars each, and not to exceed the amount of said outstanding bonds, and not to exceed in the aggregate twenty thousand dollars, and at a rate of interest not to exceed six per centum, interest payable semi-annually, in January and July, said bonds to be made payable in a period of time not exceeding fifteen years, and redeemable at the pleasure of the board after four years.

SEC. 2. Said bonds shall have coupons attached, and be signed by the president of the board and attested by the clerk, who shall also keep a record of all bonds issued, to whom issued, and when payable; said bonds shall be negotiable, and shall not be disposed of at less than their par value.

SEC. 3. That said board of education is hereby authorized, whenever it shall, in their opinion, become necessary to levy a tax to pay said bonds, or the interest thereon, to certify that fact to the auditors of Darke and Miami counties, and said auditors shall cause such sum so certified by said board to be necessary



to be levied upon the taxable property of said special district, and the same shall be collected as other school taxes are, or may be, and paid to the treasurer of the board: provided, that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said district in addition to that now, or which may be hereafter authorized by law to be raised for school and school-house purposes. No part of said moneys so raised by such levy shall be used for any other purpose than the payment of said bonds, and no part of the moneys received from the sale of bonds authorized to be issued by this act shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 31, 1881.

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[House Bill No. 999.]

AN ACT

To authorize the trustees of Mark township, Defiance county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Mark township, Defiance county, Ohio, or the commissioners of said county, be and hereby are authorized to transfer five hundred dollars from the bridge fund to the general township fund of said township in said county.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 31, 1881.

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[House Bill No. 875.]

AN ACT

To authorize the commissioners of Richland county, Ohio, to transfer funds from tax on dogs to Richland county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Richland county, Ohio, be and they are hereby authorized to transfer to the Richland county agricultural society all funds in the treasury of said county raised from the taxation of dogs, and not used or necessary for

the purpose for which it was raised, to be used by said society for the purpose of improving and purchasing grounds for the use of said society.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1881.

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[House Bill No. 780.]

AN ACT

Respecting the De Graff union school district of Logan county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the lands and town lots and territory within the corporate limits of the village of De Graff, in Logan county, Ohio, be and the same are hereby attached to and made part of the union school district of said village, and shall hereafter bear an equal proportion of the burdens of taxation for the support of the union school therein.

SEC. 2. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1881.

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[House Bill No. 889.]

AN ACT

To authorize the commissioners of Champaign county to build a bridge across the Pittsburg, Cincinnati and St. Louis, and the New York, Pennsylvania and Ohio railways, in the city of Urbana, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Champaign county be and they are hereby authorized to build a bridge across the track and side tracks of the Pittsburg, Cincinnati and St. Louis and the New York, Pennsylvania and Ohio railways at such points within the corporate limits of the city of Urbana, in said county, as may be agreed upon between the council thereof and the commissioners of said county, at a cost and expense to said county not exceeding twelve thousand dollars, and for the purpose of constructing said bridge, said commissioners shall be and are hereby empowered, annually, during the years 1882, 1883, 1884 and 1885, at their June session in each of said years, to levy a tax not exceeding three-tenths of a mill on the dollar for the years 1882, 1883, 1884 and 1885, in addition to

the levies for road and bridge purposes now authorized by law to be levied, upon all the taxable property of said county, to be expended under their direction and control in constructing said bridge; provided, that before said commissioners shall proceed to construct said bridge, or to let contracts for the construction of the same, said city of Urbana shall, by ordinance, bind itself to construct the approaches to said bridge, and to keep and maintain the same in good repair, to pay all costs, damages and expenses incurred by reason of the construction of said bridge, or the approaches thereto, including the changing, widening, or improving of streets made necessary by the same.

SEC. 2. That the commissioners of said Champaign county be and they are hereby authorized to issue the bonds of said county in anticipation of the collection of taxes hereby authorized to be made for the purpose of building said bridge, at a rate of interest not exceeding six per centum per annum, payable semi-annually at the county treasury, and the principal shall be paid at said treasury at such times as said commissioners may prescribe, within four years from the first day of September, 1882: provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by said commissioners, or any two of them, and countersigned by the county auditor, and shall be issued in sums of not less than one hundred nor more than five hundred dollars each, payable to the bearer at the county treasury with interest as aforesaid. Such bonds shall specify the object for which they are issued, and the interest accruing thereon shall be paid out of the road and bridge fund of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 29, 1881.

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[Senate Bill No. 329.]

#### AN ACT

To authorize the commissioners of Fayette county, Ohio, to construct a turnpike, and vacate a certain portion of the Deer Creek turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Fayette county, Ohio, are hereby authorized to grade, gravel and construct a free turnpike on the following described line, to wit:

Beginning at a point in the center of the Deer creek pike, opposite the Waterloo school-house; thence in a northeasterly course with the line of the old Chillicothe and Urbana turnpike (or as near so as practical) to a bridge at the foot of the hill and in the center of said Deer creek turnpike, being a distance of forty rods, more or less.

SEC. 2. That said county commissioners shall have power and are authorized, for that purpose, to condemn and appropriate the necessary lands therefor, in pursuance of the laws of Ohio, for the appropriation of private property

for public purposes and the payment of compensation therefor; and are authorized to pay the costs of said improvement, together with the compensation for the land so appropriated, out of the county road fund or other fund not otherwise appropriated. And said county commissioners are hereby authorized to vacate so much of said Deer creek pike as lies between the two points named in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 1, 1881.

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[Senate Bill No. 340.]

#### AN ACT

To authorize the board of education of West Salem, in Wayne county, Ohio, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of West Salem school district, Wayne county, Ohio, for the purpose of raising money to redeem the bonds of said board of education, issued by authority conferred by a vote of the people of said village school district, April 2d, A.D. 1877, for the purpose of borrowing money to build a school-house and now outstanding, and they are hereby authorized to issue bonds of said school district of West Salem, Wayne county, Ohio, in sums of not less than fifty dollars each, and not to exceed the amount of said outstanding bonds, and not to exceed in the aggregate ten thousand dollars and at a rate of interest not to exceed six per centum per annum, interest payable semi-annually in March and September; said bonds to be made payable in a period of time not exceeding fifteen years, and redeemable at the pleasure of the board at any time after two years.

SEC. 2. Said bonds shall be signed by the president of said board and attested by the secretary, who shall also keep a record of all the bonds issued, to whom issued and when payable, and said bonds shall be negotiable, but shall not be disposed of at less than their par value.

SEC. 3. The said board of education is hereby authorized, whenever it shall, in their opinion, become necessary to levy a tax to pay said bonds, or the interest thereon, to certify that fact to the auditor of Wayne county, and such auditor shall cause such sum so certified by said board to be necessary to be levied upon the taxable property of said West Salem school district, and the same shall be collected as other school taxes are or may be, and paid to the treasurer of said board; provided, that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said district, in addition to that now or which may be hereafter authorized by law to be raised for school and school-house purposes; no part of said moneys so raised by such levy shall be used for any other purpose than the payment of said bonds, and no part of the moneys received from the sale of bonds author-

ized to be issued by this act, shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SEC. 4. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 1, 1881.

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[House Bill No. 862 ]

# AN ACT

To authorize the Board of education of Green Spring school district in Seneca and Sandusky counties, Ohio, to issue bonds and levy a tax for the payment of the same, to erect and furnish additional school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education be and are hereby authorized and empowered to issue the bonds of the Green Spring school district of Seneca and Sandusky counties, Ohio, not to exceed the amount of twenty thousand dollars, bearing interest at the rate of not to exceed six per cent. per annum, payable semi-annually, signed by the president of the board and countersigned by its secretary, and redeemable in not less than five nor more than twenty years from the date thereof, at the option of said board.

SEC. 2 That said bonds shall be sold by the said school board or under their direction, and in no case shall they be sold for less than the par value thereof.

SEC. 3. That the said bonds be issued in sums of fifty, one hundred, five hundred, and one thousand dollars, as the board may deem best.

SEC. 4. That the board of education of said Green Spring school district, are hereby authorized to levy a tax upon the taxable property of said Green Spring school district, sufficient to pay said bonds and the interest thereon, as the same may become due.

SEC. 5. That before said bonds shall be issued and the tax levied as aforesaid, the board of education of said Green Spring school district shall first submit the question of issuing said bonds, and the levying of a tax for the payment of the same, to the qualified electors of said school district, at a general or special election, having first given ten days' notice of the same by posting of said notices in at least five public places in said school district, and published in some newspaper of general circulation in said school district, said election to be conducted by any three members of said board of education, as provided by law for holding state elections.

SEC. 6. That the electors voting at said election shall have written or printed upon their ballots, "Issuing school bonds and levying tax for the payment of the same—Yes," or, "Issuing school bonds and levying tax for the payment of the same—No," and if two-thirds of all the electors voting at said election, upon the question submitted, shall vote, "Issuing school bonds and levying tax for the payment of the same—Yes," said bonds shall be issued and tax levied as above provided.

SEC. 7. That the money arising from the sale of said bonds, issued as aforesaid, shall be under the control of said board of education of Green Spring school district, and shall be used for the purpose of erecting and furnishing school buildings on the land owned by the trustees of the Green Spring academy.

SEC. 8. That the same board of education of Green Spring school district are hereby authorized and empowered, to let to the lowest responsible bidder, a contract for the erection of said buildings, as aforesaid, reserving the right to reject any and all bids, or to erect the same under their own supervision as they may deem most convenient.

SEC. 9. That the plans and specifications of said buildings and the furnishing of the same shall be mutually agreed upon by and between the trustees of said Green Spring academy and the board of education of said Union school district before the said contract is let.

SEC. 10. That the title of said buildings erected, and the furniture purchased under the provisions of this act, shall be and remain in the board of education of said school district; provided, that after said vote is taken, as provided by this act, and if carried in favor of issuing said bonds, the said trustees of the Green Spring academy shall make a good and sufficient warranty deed for the land upon which said buildings shall be erected to the board of education of said Green Spring school district, before said bonds are issued, and before said buildings are commenced, and the entire control of said school and school property and lands shall be and forever remain in the board of education of said union school district.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 29, 1881.

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[House Bill No. 872.]

#### AN ACT

To authorize the commissioners of Gallia county, Ohio, to transfer the surplus dog tax in Gallia county to the poor fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the surplus fund arising from the per capita tax on dogs, in the county of Gallia, state of Ohio, may be annually transferred by the county commissioners of said county to the poor fund.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. C. RICHARDS,

*President pro tem. of the Senate.*

Passed March 29, 1881.

[Senate Bill No. 817.]

## AN ACT

To authorize the city council of Mount Vernon to issue bonds and borrow money for the erection of a building for the use of said city.

\* SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Mount Vernon, Ohio, be and is hereby authorized and empowered to issue the bonds of said city, signed by the president of said council, and countersigned by the clerk thereof, in any amount not exceeding twenty thousand dollars, and to sell and dispose of the same for the purpose, and upon the terms hereinafter provided in section two of this act.

SEC. 2. Said bonds shall be for such several amounts each, as the council may determine. They shall bear interest at the rate not to exceed six per cent. per annum, payable semi-annually, and shall be made payable in not more than ten years nor less than two years, as the council of said city may determine; and they shall not be sold or disposed of for less than their par value. The money so realized from said bonds is to be used in the purchase of grounds and the construction of a building for the use of said city; the construction and use of said building to be under the supervision and control of the council of said city.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

[Senate Bill No. 324.]

## AN ACT

To authorize the council of the city of Delaware to issue bonds for the purpose of completing, heating, and furnishing a public hall building at said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Delaware, Delaware county, Ohio, be and it is hereby authorized to issue the bonds of said city in any sum not exceeding twenty thousand dollars, for the purpose of completing, heating, and furnishing a public hall building, now being erected at said city for public offices, and for such other purposes in the completion of said building, as the council may authorize.

SEC. 2. That said bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, on the 15th of March and November of each year, and shall be sold as provided in section 2709 of the revised statutes of Ohio, and shall be delivered at such times and in such amounts necessary, for the purpose aforesaid, as the council may authorize.

SEC. 3. That the council of said city, for the purpose of paying said bonds

and interest, is hereby authorized to levy a tax in accordance with law upon the taxable property, real and personal, of said city, to be certified to the auditor of said county of Delaware, and the same shall be collected as other taxes for city purposes.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

[Senate Bill No. 415.]

# AN ACT

To enable the commissioners of Pickaway county to construct a temporary bridge or ferry.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pickaway county be and they are hereby authorized to construct a temporary bridge or ferry, as may be deemed advisable, across the Scioto river, at Circleville, for the public accommodation during the rebuilding of the bridge at that place, lately destroyed by fire.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

[House Bill No 907.]

# AN ACT

To annex other territory to a special school district in Millville, Hocking county, Ohio, created by a special act passed April 24, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory be annexed to the special school district in Millville, Goodhope township, Hocking county, Ohio, commencing at a point where the line running north and south between sections twenty-three and twenty-four, township thirteen, range eighteen, crosses the Hocking canal; thence running easterly with said canal to the east extremity of the land known as the Martin Agner land, but now principally owned by Silas Brandum; thence west to an angle of said land; thence south to the south-east corner of said land;



thence west to the line between sections twenty-three and twenty-four; thence north to the place of beginning.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

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[House Bill No. 615.]

AN ACT

To authorize certain bondsmen of Jno. D. Patterson to bring suit against certain other bondsmen.

WHEREAS, The bondsmen of Jno. D. Patterson, late defaulting treasurer of Guernsey county, or a majority of them, have paid into the treasury of Guernsey county, the amount of the deficiency of said treasurer, \$6,714.88, and in addition thereto have expended in the way of costs and attorney's fees about the sum of \$700.00; and,

WHEREAS, Several of the bondsmen of said Jno. D. Patterson have failed and refused to pay their pro rata of said deficiency and costs, and there being no authority in law on the part of those having paid to institute proceedings to compel said pro rata payment; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Guthrie, Newton M. Morgan, John B. Mehaffey, John Calhoun and R. J. Campbell, bondsmen of said John D. Patterson, late treasurer of Guernsey county, all or any one of them, be and are hereby authorized to bring suit before any court of competent jurisdiction in said county, in the name of one or more of said bondsmen, for the use and benefit of all of said bondsmen of said John D. Patterson, against any one or all of said bondsmen who refuse or fail to pay their proportion of the deficiency and said costs contracted as bondsmen in settling said deficiency.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1881.

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[House Bill No. 920.]

AN ACT

To authorize the commissioners of Ross county to submit to the qualified electors of said county, at a special or general election, the proposition to levy an additional tax for the purpose of building a children's home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Ross county be and they are hereby authorized to issue bonds and to levy a tax on all the taxable property of the county to pay said bonds and the interest thereon as the same may become due, for the purpose of

building a children's home, and that the said levy shall not exceed the sum of twenty-five thousand dollars (\$25,000.00) in addition to the amount heretofore authorized, and for the purpose of building said children's home the commissioners are authorized to issue the bonds of the county, not to exceed the sum above named, and bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, said bonds to mature not exceeding four years from the date of issue, and not to be sold for less than their par value.

SEC. 2. Before the commissioners shall issue said bonds, or make such levy, the question shall be submitted to a vote of the qualified electors of the county at a special or general election, notice of which shall be given in two or more newspapers of general circulation published in said county for six consecutive weeks before the election, and the voter shall have placed on his ticket the words, "Tax for children's home—Yes," or "Tax for children's home—No," and if a special election is held the commissioners are hereby required to have printed and placed at all the voting precincts within the county a sufficient number of each kind of tickets above named; the vote on said question shall be returned by the judge of the election to the clerk of the court of common pleas, who shall open, count and declare the same as in elections of county officers, and if a majority voting at said election be in favor of a tax to be levied for such purpose, then the commissioners shall be fully authorized to proceed as before stated, but not otherwise.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

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[House Bill No. 853.]

#### AN ACT

To divide Washington township, Lucas county, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* that part of what is now known as election precinct number one (1) of Washington township, Lucas county, be and the same is hereby divided into two election precincts for all state, county, and township purposes; one of which shall be known as precinct No. 3, and shall consist of the following described territory, to wit: All that part of said township south and southwest of the following line, beginning at the city line in the northwest corner of section No. 27; thence west on north line of said sections 27 and 28 to Monroe street road; thence along said road to the center line of section No. 20; thence west on center lines of sections No. 20 and 19 to west line of said township.

SEC. 2. All that portion of precinct number one (1) not included in section one of this act, shall constitute election precinct No. 1, and shall be known as precinct No. 1 (one).

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 760.]

## AN ACT

To authorize the transfer of funds arising from the tax on dogs in Wayne county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any surplus funds arising from the tax on dogs, in the county of Wayne, for the years 1880 and 1881, after all damages to sheep killed or injured by dogs shall have been paid, shall be transferred to the county fund of said county.

SEC. 2. This act shall be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 404.]

## AN ACT

To authorize the city council of the city of Chillicothe to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Chillicothe be and it is hereby authorized to transfer the unused balance of the "debt fund" of said city, amounting to \$338.50, and the unused balance of the water supply fund of said city, amounting to \$2.59 to the "bridge fund" of said city.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 387.]

## AN ACT

To amend section four of an act entitled "an act to authorize the commissioners of Brown county, Ohio, to construct certain free turnpike roads," passed April 10th, 1880. (Ohio Laws, volume 77, page 382).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of said recited act be so amended to read as follows:

Section 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax, not exceeding one mill

on the dollar, annually, on any and all property in said county upon the tax-duplicate.

SEC. 2. That section 4 of said act so recited be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 384.]

AN ACT

To amend section three of an act entitled "an act to authorize the commissioners of Brown county, Ohio, to construct a free turnpike road from the terminus of the Ripley and Hillsborough free turnpike road to the Highland county line; and to construct a free turnpike road from the terminus of the Arnheim free turnpike road via Sardinia to the Highland county line; also, from the terminus of the Mt. Orab and Benton free turnpike road via Greenbush to the terminus of the Fayetteville and Chasetown free turnpike road," passed April 17th, 1878. (Ohio Laws, volume 75, page 1122).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of said recited act be so amended to read as follows:

Section 3. That for the purpose of paying said bonds, the county commissioners of said county are hereby authorized to levy and assess a tax, not exceeding one mill on the dollar, annually, on any and all property, in said county, upon the tax duplicate.

SEC. 2. That section 3 of said act so recited be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 391.]

AN ACT

For the relief of Thomas Meyers, late treasurer of Amanda township, Fairfield county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Amanda township, Fairfield county, Ohio, are hereby authorized to levy upon the taxable property of said township, a sum sufficient

to raise the net sum of one thousand eight hundred and ninety-five 91-100 dollars, and certify the same as other taxes; and the sum so raised, shall be applied to reimburse Thomas Meyers, late treasurer of the township of Amanda, county of Fairfield, state of Ohio, for money advanced by said Thomas Meyers, to make good the loss of so much money by the failure of the banking firm of Garaghty & Hunter, in whose bank said township funds were deposited, and to the extent of said amount were lost by the failure and insolvency of said firm, and were by the said Thomas Meyers, then township treasurer of said township, at once paid into said township treasury by him.

SEC. 2. Said levy to be made and said relief to be granted only after a submission to the qualified electors of said township, at any regular spring or fall election held in said township, for which purpose said trustees shall give public notice of such vote to be taken by notice posted in at least three public places in said township, for at least ten days preceding such election. The voters at said election may have placed upon their ballots, "For relief—Yes;" or, "For relief—No;" and if at said election two-thirds of all the votes be cast in favor of furnishing said relief, then said trustees shall levy and certify said tax, and repay out of funds so collected by taxation, said sum of one thousand eight hundred and ninety-five dollars and ninety-one cents to said Thomas Meyers.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 328]

#### AN ACT

To authorize the council of the city of Steubenville to issue bonds to complete the 20-inch water main and connections in the said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Steubenville be and is hereby authorized and empowered, for the purpose of completing the twenty-inch water main, with necessary gates and connections, on Seventh street in said city, to issue the bonds of the city in a total sum of not exceeding twenty thousand dollars, and bearing a rate of interest not exceeding six per cent. per annum, payable semi-annually, for such length of time, not exceeding five years, as the council aforesaid shall determine, which bonds shall not be sold for less than their par value, and the proceeds thereof shall be applied to no other purpose than the completion of said twenty-inch water main, with all necessary gates and connections; the bonds shall be signed by the mayor and clerk of the said city, and sealed with the seal of the said municipal corporation.

SEC. 2. That for the purpose of paying the principal and interest of said bonds the council of said city shall, annually, levy a tax of not exceeding one mill, in addition to other taxes authorized by law, on all the taxable property in said city, until the said bonds and interest are paid in full.

SEC. 3. The council of said city may authorize the trustees of the water-works of the city to complete said water main, with all necessary gates and connections, or the council may contract for the same, as in other cases.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 385.]

#### AN ACT

To amend section four of an act entitled "an act to authorize the commissioners of Brown county, Ohio, to construct certain free turnpike roads," passed April 22, 1879. (Ohio Laws, volume 76, page 243 )

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of said recited act be so amended to read as follows :

Section 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax, not exceeding one mill on the dollar, annually, on any and all property in said county upon the tax duplicate.

SEC. 2. That section four of said act so recited be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1881.

[Senate Bill No. 386.]

#### AN ACT

To amend section four of an act entitled "an act to authorize the commissioners of Brown county, Ohio, to construct certain free turnpike roads," passed March 6, 1890. (Ohio laws, vol. 77, page 328).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of said recited act be so amended to read as follows :

Section 4. That for the purpose of paying said bonds, the county commis-

sioners are hereby authorized to levy and assess a tax, not exceeding one mill on the dollar, annually, on any and all property in said county upon the tax duplicate.

SEC. 2. That section four of said act so recited be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

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[Senate Bill No. 395.]

#### AN ACT

To authorize the village council of the village of Bellevue to invest certain funds in United States and other securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Bellevue, in the counties of Huron and Sandusky, is hereby authorized to invest the amount of any surplus or sinking fund now, or at any time hereafter, in the treasury of said village, to the credit of water-works fund or general sinking fund of said village, in United States securities, or in the bonds of the state of Ohio, or in the bonds of said counties, or in the bonds of cities in the state of Ohio, or in mortgages upon improved farm lands in the counties of Sandusky, Huron, Erie, or Seneca of double the value of the loan, until such time as the same shall be required for the purpose for which it was levied, or said fund may be used in paying off or canceling any debt or bond of said village for which said fund is, or may be provided; but said debt, or bond, shall not be paid off or canceled at a greater sum than the amount of the principal and interest thereof.

SEC. 2. That for the purpose of carrying out the provisions of the first section of this act, the governor is hereby required to appoint two freeholders, who shall be residents of said village, to hold their office for three years from April 1, 1881, and until their successors shall be appointed and qualified, as commissioners, who shall each give bond in the sum of ten thousand dollars, payable to said village, with sureties to be approved by the probate judge of Huron county for the faithful performance of their duties, and who shall serve without compensation.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

[Amended House Bill No. 617.]

## AN ACT

Supplemental to an act entitled "an act to amend an act entitled an act to amend the act entitled an act to create and establish a common school fund in part of the county of Warren, composed of the Virginia military district," passed February 20, 1834, passed April 30, 1868. (O. L., vol 65, p. 259.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the county auditor to make out and forward to the superintendent the enumeration of the children between the age of five and twenty-one, on the first Monday in March, in each year, giving the number in each separate, special, and sub-district. He shall also forward to the superintendent the amount of money required by each district, in addition to the state tax, for the support of schools within this military district. It shall be the duty of the superintendent to credit to each separate, special, and sub-district their equitable proportion of all the accumulated fund, principal, and interest, basing such general division on the enumeration of children, last preceding the passage of this act, which shall hereafter be kept as their separate funds. It shall be the duty of said superintendent, on or before the second Monday in April and September in each year, to pay to the county treasurer such sum of money as may be required for the support of schools in this district as certified to him by the county auditor. The superintendent is directed to make collections of the money loaned, in such sums as will meet the payment of the amount certified to be required by the auditor, from year to year, until said fund, principal, and interest, is all distributed, and the office of superintendent shall then cease to exist, and the funds thereafter received by said district from the state treasury shall be distributed as provided by law for like funds in all other counties in the Virginia military district.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1881.

[House Bill No. 649.]

## AN ACT

To transfer funds from dog tax fund to Preble county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That five hundred dollars of the excess of the funds arising from the tax on dogs, that may remain in the county treasury of Preble county, Ohio, on the first day of March, 1881, be transferred by the county commissioners of said county to the Preble county agricultural society, for the purpose of paying the indebted-



ness of said society incurred in making permanent improvements in the grounds held by them for county fair purposes.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No. 905.]

#### AN ACT

To transfer the surplus dog tax of Marion county to the agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any funds arising from the per capita tax on dogs, and remaining in the treasury of Marion county after the payment of all claims allowed to the owners of sheep killed or injured, at or before the regular session of the commissioners in September, 1881, shall be transferred to the agricultural society of said county, to be used only for the permanent improvement of the county fair grounds.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No. 896.]

#### AN ACT

To authorize the commissioners of Champaign county, Ohio, to transfer funds raised from the tax on dogs, to the Champaign county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Champaign county, Ohio, be and they are hereby authorized to transfer to the Champaign county agricultural society any funds in the treasury of said county, raised from the per capita tax on dogs, and not used or necessary for the purpose for which it was raised, any sum not exceeding twelve hundred dollars, to be used by said Champaign county agricultural society for the payment of its debts and the improvement of its grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No. 870.]

## AN ACT

To authorize the commissioners of Morrow county to build a jail.

WHEREAS, The commissioners of Morrow county, Ohio, at their June session, A.D. 1880, levied a tax of ten thousand dollars, for the purpose of repairing and remodeling the jail of said county, and which taxes are now being collected; and

WHEREAS, It is found, upon further inquiry and investigation, that the foundation and walls of said jail building are in such a dilapidated condition that no reasonable amount of repairs will make it suitable for the purposes designated, and that the interests of the county will be better subserved by the erection of a new jail; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Morrow county, Ohio, be and they are hereby authorized to erect a new jail, and purchase a site therefor, if necessary, at the seat of justice of said county, at a cost not exceeding thirty thousand dollars (cost of site and building), inclusive of the amount levied as aforesaid for repairs, which is hereby transferred to the fund authorized by this act, and inclusive of the amount which may be realized from the sale of the materials of the old jail, which materials the commissioners may sell at their discretion, or otherwise appropriate and apply to, or in payment for said new jail.

SEC. 2. The county commissioners shall provide by taxation on the property of the county, whatever sum may be necessary for said purpose, not exceeding in any one year ten thousand dollars; and in anticipation of the fund thus to be created by taxation, the commissioners shall have power to issue the bonds of said county in such sums, and upon such terms as they may deem advisable, signed by at least two of said commissioners, and countersigned by the auditor, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and redeemable at the office of the county treasurer of said county, not exceeding five years from date, and provided, always, that said bonds shall not be sold for less than their par value.

SEC. 3. This act to take [effect] and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 9, 1881.

[House Bill No 860.]

## AN ACT

To authorize the transfer of funds arising from the tax on dogs in Union county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of erecting an agricultural hall and other buildings on the fair grounds of Union county, Ohio, the commissioners of said county are hereby

authorized to transfer not exceeding one thousand dollars to the agricultural society of said county from the surplus fund arising from the tax on dogs, after paying all damages to sheep killed or injured by dogs as provided by law.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1881.

[Senate Bill No. 373.]

#### AN ACT

To authorize the trustees of the parsonage of the East Plainfield circuit Methodist Episcopal church, Coshocton county, to sell certain lots of land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the parsonage of the East Plainfield circuit, of the M. E. church, in Coshocton county, Ohio, are hereby authorized to sell and convey, in such manner, and upon such terms, as in their judgment shall best subserve the interests of said M. E. church, on said East Plainfield circuit, certain lots of land situated in the town of West Lafayette, Coshocton county, Ohio, being all of lot numbered twenty-five (25), and the east half of lot numbered twenty-four (24), in Wheeler's third addition to said town, said lots now owned and occupied by the M. E. church, and to appropriate the proceeds of such sale to the use of said church as the said parsonage trustees may direct.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1881.

[Senate Bill No. 389.]

#### AN ACT

To authorize the commissioners of Brown county to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike roads:

(1st.) First road: To begin at Fulton's school-house, on the Aberdeen and Huntington free turnpike road, and thence along a branch to little east fork of

Eagle creek, thence down said creek, intersecting the Ripley and Bradysville free turnpike road, at or near the mouth of Rattlesnake run.

(2nd.) Second road: To begin at the residence of Andrew McFerrens, on the Georgetown and Fayetteville free turnpike road, running west on the line of the old road to Martin Reddick's, thence southwest with the line of Benjamin Temple to the Miami river, thence north and west on the old road to the Clermont county line.

(3rd.) Third road: To begin at the Clermont county line, near the residence of Samuel Tatman, thence on the line of the Felicity and Feesburg road, to intersect the Bullsken road, thence on said road passing in front of Mt. Zion M. E. church and graveyard, passing the residences of Daniel T. Bolender and David F. Trout, to the cross-roads where the Cedron and Sim's run road intersects said road, thence on said road crossing the Bethel and Augusta road, passing the residence of Joshua Tatman and intersecting the Higginsport, Bullsken, and Feesburg free turnpike road, near Wm. M. White's mill.

(4th.) Fourth road: To begin at the terminus of the Ripley and Arnheim free turnpike road, in the village of Arnheim, thence over, or near the old road, leading from Arnheim to Brownstown, thence on or near the line of the old road leading from Brownstown to Sardinia, passing the residences of Robert Dunn, Nancy Purdy, and Huston Bare, to the village of Sardinia, thence on the most practical route to the Highland county line, passing the residence of Stephen Feike, and near the residence of Harriet Clutter, terminating near the residence of F. J. Drohot and Carey Clutter.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said roads; provided, said bonds shall bear interest at a rate of six per cent. per annum, payable annually, and shall not be sold for less than their par value; provided, further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SEC. 3. That said commissioners shall, before proceeding to construct said roads, or any one or parts of same, require and secure from those interested in said improvements, a subscription or donation equal in amount to twenty per centum of the cost of said improvements to aid in the construction of the same; or, in lieu thereof, may cause those interested in said improvements to grade and culvert said roads or parts of roads ready for the material for the same.

SEC. 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax not exceeding one mill on the dollar, annually, on any and all property in said county, on the tax duplicate.

SEC. 5. That a majority of the said board of commissioners shall, at a regular session, be necessary to agree upon specifications and order said improvements or any part thereof.

SEC. 6. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 12, 1881.

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[House Bill No. 756]

#### AN ACT

To authorize the trustees of Fearing township, Washington county, to take charge of the burial grounds of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Fearing township, Washington county, Ohio, be and they are

hereby authorized and empowered to inclose, improve, and protect the burial grounds in said township, the title to which is an association called the "The First Religious Society of Salem," and known as the "Stanlyville graveyard," and for such purpose are hereby vested with all the authority and power for taxation and otherwise, which is conferred upon township trustees by sections 1464, 1465, 1466, 1470, and 1471 of the revised statutes of Ohio, so long as the same shall remain a public cemetery for the use of the people of said township.

SEC. 2. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL.

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 13, 1881.

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[House Bill No. 964.]

# AN ACT

Supplementary to an act entitled "an act to authorize the village of Ashland, Ashland county, Ohio, to borrow money to build a town hall," passed March 24, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Ashland, county of Ashland, be and are hereby authorized to build and finish business rooms, not exceeding three in number, on the first or main street floor of the building, to be erected by authority of the act to which this is supplementary, and said council shall lease said rooms for business rooms, for such length of time, not less than three nor more than ninety-nine years, and upon such terms as shall seem to it proper, and the said council shall lease any other part of said building not needed for public business, for business rooms and private offices, for such length of time and upon such terms as shall seem to it proper, and the money secured from the rent shall be paid into the treasury of said village.

SEC. 2. This act shall be in force and effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

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[Amended Senate Bill No. 365]

# AN ACT

For the release of the sureties of Theodore A. Wick, former treasurer of Clarke county, Ohio.

WHEREAS, Theodore A. Wick, former treasurer of Clarke county, Ohio, and treasurer ex-officio of the city of Springfield, in said county, and of the board of education of said city, and treasurer of Springfield township, in said county,

and of the board of education of said township, was, on the first Monday of September, A.D. 1872, at the expiration of his official term, a defaulter to a large amount; and,

WHEREAS, Ever since that time, and until a recent period, suits have been pending in the courts of said county and in the supreme court of the state, to determine what proportion of said defalcation should be borne by the various boards and corporations above named; and,

WHEREAS, By reason of the pending of said suits, the exact liability of the bondsmen of said Wick could not be determined until said suits were decided by the supreme court of this state, and during said litigation a majority of said bondsmen have died or become insolvent, and the remainder of said bondsmen are unable to pay the full amount of said defalcation without pecuniary ruin to themselves; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of said county, the city council of said city, the board of education of said city, the trustees of said township, and the board of education of said township are hereby authorized and directed to release and discharge said sureties from all liability on account of any deficiency caused by the defalcation of said treasurer; and from all liability on said bond, each of said boards and corporations shall make such release and discharge to the extent of its interest in said bond: provided, that before the making of said release and discharge, the question as to the same, shall first be submitted by the commissioners of said county to a vote of the qualified electors of said county, at the regular October election, A.D. 1881, at which election the electors voting for such release and discharge, shall have written or printed on their ballots, "For the release and discharge of the sureties of Theodore A. Wick, ex-treasurer of Clarke county—Yes;" and those opposed to such release and discharge, shall have written or printed on their ballots, "For the release and discharge of the sureties of Theodore A. Wick, ex-treasurer of Clarke county—No;" of which election the sheriff of said county shall give at least thirty days' notice in the same manner provided by law for the giving of notice for the election of county officers; said election to be conducted as provided by law for the election of county officers.

SEC. 2. In case a majority of the votes cast on said question, at said election, be in favor of said release and discharge of said sureties, then said sureties shall be released and discharged, as provided in the first section of this act; and if a majority of the votes cast on said question be opposed to said release and discharge, then such release and discharge shall not be made.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

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[Senate Bill No. 393.]

#### AN ACT

Supplementary to an act entitled "an act to authorize the survey and estimate of the grading of certain roads in Perry county," passed April 17, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of the several townships of Saltlick, Coal, Pike, Reading,

and Thorn, in the county of Perry, are hereby authorized to cause to be made the surveys and estimates of the parts of certain roads within their respective townships, which the commissioners of said county were authorized to make by the act of February 17, A.D. 1880, entitled "an act to authorize the survey and estimate of the grading of certain roads in Perry county," and which surveys and estimates said commissioners have failed to make. Such surveys and estimates shall be made and paid as provided in said act, and the trustees of each of said townships are hereby vested with all power and authority by that act given to, and the duties in that behalf imposed upon the county commissioners in relation to such survey within the township, or the payment therefor.

SEC. 2. Such surveys and estimates thereof may be made of more than one line or parts of lines between any of the villages named in said act, and shall not be required to follow the lines of public roads.

SEC. 3. The county commissioners of the said county, upon the demand of a majority of the trustees in any two or more of the townships aforesaid, for the construction of a free turnpike, connecting consecutively within their several townships, villages named in said act, on the line from Thornport to New Straitsville, shall construct a free turnpike, making such connections, and in that behalf shall appoint three competent, judicious, disinterested freeholders of the county as commissioners to view, survey, and locate the route of such free turnpike, and running by such direct and eligible route as shall be adjudged to be, as far as practicable, the best, cheapest, and most convenient route between such villages; but they are not authorized or required to construct or maintain such road within the limits of any village, nor shall it be constructed along and within one hundred feet of any railroad for a distance of over two hundred feet in any mile of the turnpike.

SEC. 4. A majority of the trustees of any of said townships may agree with the trustees of any other township or townships upon a branch line or lines to said above named free turnpike to be constructed to a fixed point thereon, and from some designated point or points on the east or west side of said first named line; and thereupon, upon the demand of a majority of the trustees of each of said townships, said commissioners shall, under the provisions of this act, cause a free turnpike to be constructed between said agreed points, and appoint commissioners in that behalf, who shall do and perform, in that behalf, the duties of such office, as before provided.

SEC. 5. Commissioners appointed, as aforesaid, to view and locate any route, shall make report of the probable and relative cost of the construction of a free turnpike upon different available routes between points designated for the turnpike, upon demand of a majority of owners along any suggested line, or without such demand, if by them deemed best.

SEC. 6. Except as otherwise provided in this act, the location, establishment, construction, and maintenance of any free turnpike herein authorized, shall be under and in accordance with the provisions of sections four thousand seven hundred and fifty-nine, four thousand seven hundred and sixty, four thousand seven hundred and sixty-one, four thousand seven hundred and sixty-two, four thousand seven hundred and sixty-eight, four thousand seven hundred and seventy, and four thousand seven hundred and seventy-one, four thousand seven hundred and seventy-two, and four thousand seven hundred and seventy-three; further excepting, that where sufficient survey has been made by the township trustees, no further survey shall be required; and further excepting, that the said commissioners shall not be allowed to require donations of money or written agreements for special taxation before determining upon the opening or establishment of any road, or part thereof; and further excepting that no submis-

sion of any vote or question to the voters of the county shall be had in the premises; and the expense of the necessary grading in any township shall be paid by the township out of the township treasury, and also so much of the expense of the turnpiking as with the grading, shall not exceed one thousand dollars per mile in the township, shall be paid likewise out of the township treasury, and all other costs and expenses of every kind accruing or arising in or about the locating, establishing, and constructing any free turnpike under this act shall be paid by the county out of the county treasury, in the manner provided by law. The township trustees shall be furnished with a copy of the specifications for grading in the township; and the contracts for grading shall be separate from other expenses, and the commissioners shall cause the cost of grading to be certified in duplicate to the trustees and county auditor, and the tax levied for the payment thereof by the township, as in other cases.

SEC. 7. The township trustees of any township in which such free turnpike is constructed, or to be constructed, are authorized to levy and cause to be certified and assessed on all the taxable property of the township a tax not exceeding, annually, five mills on the dollar, to pay the expenses of grading and macadamizing free turnpikes under this act, within the township, and to pay bonds issued and disposed of in that behalf and interest thereon, and are hereby authorized to issue bonds, not exceeding ten thousand dollars, in any township, in such denominations as the trustees may deem best, to bear interest not exceeding six per cent., to be sold at not less than their par value, and to run not exceeding six years from the date of issue.

SEC. 8. Commissioners of the county, for each day's services under this act, shall receive the same per diem compensation as allowed by law in other cases, and commissioners appointed as viewers, and trustees of townships, shall receive the same compensation for each day's service as is now provided by law for services of township trustees.

SEC. 9. The bridge across St. Joseph creek, on the Somerset and New Lexington road, is also hereby made and established as a point on the line for survey and free turnpike between said towns.

SEC. 10. Electors of any township, numbering as many as a majority of the votes cast in the township at the last preceding election held therein, when the trustees have failed to act in the premises, may, by their petition to the county commissioners, demand the construction of a turnpike, which the township trustees might by this act demand, and may agree to any line to which the township trustees under this act might agree, and such petition shall have all the force and effect of the demand or agreement of the township trustees in the premises, and they also by such petition may require the county commissioners to make preliminary surveys and estimates in the township where the trustees and commissioners have failed to make such survey and estimate.

SEC. 11. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 429.]

#### AN ACT

To relieve certain purchasers of section No. 16, in Wilkesville, Vinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* whereas, section 16, in Wilkesville township, Vinton county, donated by the



Ohio company for school purposes, was, in the years 1864, 1865, and 1866, sold according to law, and from a misapprehension of the law said lands were not put upon the tax duplicate nor appraised for taxation until the year 1876, when the auditor of said county entered upon his books said taxes for each year from the day of sale, with penalty and interest, and has declared said lands delinquent therefor, and proposes to enforce the collection thereof, which now makes an amount which is oppressive and will cause the loss of their land to the poor owners thereof, if collection is enforced; therefore, the commissioners of said county be and they are duly authorized and empowered to settle with the owners of said lands and release them, or any of them, from all or any portion of said taxes, whether state, county, or township, as to said commissioners shall seem just.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

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[Senate Bill No. 344.]

#### AN ACT

To enable Union township, Brown county, to settle a claim for bounty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Union township, Brown county, be and they are hereby authorized to pay Rufus Martin, the sum of two hundred and thirty-five dollars (\$235.00), the balance alleged to be due him from said township, upon bounty, as a soldier, with interest from September 4, 1864, and if necessary, to levy a tax for that purpose; provided, that the said trustees of Union township, upon proper investigation, are satisfied that the said Rufus Martin, as alleged, enlisted in the fourth independent Ohio volunteer cavalry during the year 1864, and was credited to said Union township, with the guarantee by a local recruiting committee that he should receive the sum of four hundred and thirty-five dollars (\$435.00), as bounty, and did receive, from said local committee, the sum of two hundred dollars (\$200.00); that the balance of two hundred and thirty-five dollars (\$235.00), was paid by the said local committee into the township treasury, and not having been kept separate from other funds was appropriated for township purposes, and the said Martin has not received the balance, and that the same is justly due him.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 418.]

## AN ACT

To authorize the commissioners of Adams county to construct a free turnpike road from the terminus of the Rome and Mineral Springs free turnpike road to the village of Jacksonville, in said county of Adams.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county be and they are hereby authorized to construct a free turnpike road from the terminus of the Rome and Mineral Springs free turnpike road to the village of Jacksonville, Adams county, Ohio.

SEC. 2. Said road shall be constructed on the shortest and most practical route, and shall be opened not more than sixty feet wide nor less than forty feet, and at least twenty feet in width; shall be turnpiked with earth so as drain freely to the sides, and raised with stone, or gravel, or both, not less than twelve nor more than sixteen feet in width, nor less than twelve inches thick in the center, and not less than eight inches thick at the outer edge of such bed of stone or gravel, well compacted together, in such a manner as to secure a firm, even and substantial road; and said road shall be provided with the necessary side-drains and with substantial bridges or culverts at all the crossings.

SEC. 3. Before determining upon the location and construction of said road, said commissioners shall require donations of money not exceeding fifteen per centum of the estimated cost of said road, together with the right of way. Persons contributing to said donation shall sign a written agreement subjecting their taxable property to taxation until such donations as they may make are paid, which agreement shall be filed and recorded in the office of the county recorder; and from the time of such filing and recording, shall operate as a lien upon the real estate of the several parties joining therein, as donors, for the purpose herein provided.

SEC. 4. Said commissioners may, if they deem best, assess a tax upon the taxable property of said county to pay for the construction of said road, or pay for the same out of funds lying in the county treasury and unexpended, levied for road improvement purposes.

SEC. 5. A majority of said board of commissioners shall, at a regular session, be necessary to agree upon specifications and order said improvement.

SEC. 6. The locating, viewing, selling, and advertising of said road, shall be done in accordance with the statutes now in force and provided, governing such matters.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 443.]

## AN ACT

To authorize the construction of a town hall by the trustees of Burton, Ohio, and empower them to borrow money therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it having been decided by the electors of Burton, Geauga county, Ohio, at the

April election of 1881, by a vote of two hundred and twenty-six to forty-seven, to remove, rebuild and enlarge the town hall in said township, and the trustees, with many of the citizens and tax-payers of the township, believing it will better subserve the interests of the township to sell the old hall and build anew, the said trustees are authorized to sell said old hall upon the best obtainable terms, and build a new hall upon the site named in the notice for the election before referred to, and the funds received for such sale shall be used solely in the construction of such new hall.

SEC. 2. That for the purpose of carrying out the provisions of the foregoing section, the trustees are authorized to levy such tax as they shall determine as necessary, not in any one year exceeding one and one-half mills on the dollar valuation, and for not exceeding ten years. In anticipation of the collection of such tax, they may issue the bonds of said township, running from one to ten years, at a rate of interest not exceeding six per cent., to be disposed of at not less than par, and in the aggregate not to exceed the amount to be realized by the levy named.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1881.

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[House Bill No. 718.]

#### AN ACT

To authorize the commissioners of Delaware county to levy a tax to pay certain county bonds issued to the Ashley and Delhi gravel road company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Delaware county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property within the limits of said county, not exceeding one-eighth of a mill on the dollar, to be applied in payment of the remaining outstanding bonds of said county, and the interest due thereon, issued by said county of Delaware, to the Ashley and Delhi gravel-road company; and the surplus, if any, after payment of said bonds and interest, to be used for ordinary county purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 717.]

## AN ACT

Directing the trustees of Hopewell township, Perry county, Ohio, to levy a tax to build a township hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Hopewell township, Perry county, Ohio, be and they are hereby directed to levy a tax, not exceeding seven-tenths of a mill on the dollar of all the taxable property on the duplicate of said township, for the construction of a township hall, the said township hall to be built at such point in said township as may be designated by the larger plurality, or a majority of the electors of said township, upon their ballots cast at the election herein provided for. The said township hall shall not cost to exceed the amount of tax herein authorized to be levied, and shall, when constructed, be the place of holding elections in the township.

SEC. 2. That before the trustees shall exercise the powers conferred by this act, they shall submit the proposition to the qualified electors of said township, at an annual election held in October, 1881, at the usual place of holding such elections. A notice of the intention to submit such proposition shall be posted up by the trustees in at least three conspicuous places in said township ten days prior to such election, and if it shall appear that a majority of all the electors voting at such election shall have written or printed upon their ballots the words, "Township hall tax—Yes," the trustees of said Hopewell township shall perform the duties required by the first section of this act.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 524.]

## AN ACT

To repeal an act entitled "an act to authorize the trustees of the several townships of Knox county to levy a tax to improve the public roads," passed March 25, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to authorize the trustees of the several townships of Knox county to levy a tax to improve the public roads," passed March 25, 1880, be and the same is hereby repealed.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 942 ]

## AN ACT

To authorize the transfer of certain funds therein named, and now in the treasury of the county of Crawford, state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Crawford county be and they are hereby authorized to transfer permanently the unexpended balance of the following funds, now in the treasury of said county, to wit: Military fund, two hundred and twenty-two dollars (\$222.00); volunteer relief fund, nine hundred and six dollars and fifteen cents (\$906.15); railroad fund, two thousand four hundred and eighty-three dollars and twenty cents (\$2,483.20); bounty subscription fund, two thousand seven hundred and twenty dollars and thirty-four cents (\$2,720.34), and the two per cent. fund, five thousand and eighty-two dollars and fifty-one cents (\$5,082.51), to the building fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 805.]

## AN ACT

For the relief of Joseph W. Blair.

WHEREAS, On or about the 28th day of February, A.D. 1876, the house and sleeping-room of Joseph W. Blair, who was then a citizen and treasurer of Bloom township, Scioto county, Ohio, was entered in the night season by some unknown thief, or thieves, who stole and carried away therefrom nine hundred and thirty-seven dollars, of the township funds of said township; and

WHEREAS, The said township treasurer, Joseph W. Blair, promptly sold his home, being the only real property owned by him, for a sum barely sufficient to reimburse the sum so lost to the township by said theft; and

WHEREAS, A large number of the voters and tax-payers of said township of Bloom, to wit, three hundred and four (304), have petitioned this General Assembly for the passage of an act for the relief of said Joseph W. Blair, treasurer as aforesaid: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Bloom township, Scioto county, Ohio, are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of nine hundred and thirty-seven dollars, and certify the same as other taxes; and the sum so raised shall be applied to reimburse said Blair for such sum of nine hundred and thirty-seven dollars, by him advanced of his own money, to make good said loss to the treasury of said township of Bloom, and to release said Joseph W. Blair and his sureties of his official bond as treasurer of said township from liability arising from such loss.

SEC. 2. The trustees of said township of Bloom, are hereby authorized and required to submit the question of making the levy, and furnishing the relief provided for in the preceding section of this act, to the qualified electors of said township, at a special election, not later than thirty days after the passage of this act, of which at least ten days' notice shall be given by posting notices in not less than five public places in said township.

The voters at such election shall have placed upon their ballots, "For relief—Yes;" or, "For relief—No;" and if a three-fifths majority of the votes cast at such election shall be for relief, the levy shall be made, and relief furnished, as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[House Bill No. 947.]

#### AN ACT

To amend section 3 of an act entitled "an act to create a special school district in Richland township, Wyandot county, Ohio, and to authorize the board of education of said township to transfer certain funds to the board of education of said special school district," passed May 2, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be so amended as to read as follows:

Section 3. Should a majority of the ballots in said election be found to favor the special school district, as aforesaid, the electors shall at once proceed to elect the (three) members of the board of education: One for one year, one for two years, and one for three years from the third Monday of April, A. D. 1877, who shall hold their offices for the terms specified, and until their successors are elected and qualified. The said special district shall be entitled to all the school property within such territory, and the title thereto is hereby vested in the board of education of said special school district; and the board of education of the said township of Richland shall pay over to the said board of education of said special school district, for the use thereof, the said sum of two hundred dollars levied, assessed, and collected in the said township, as hereinbefore recited, with such accretion thereof, by interest, as may be so unexpended and unappropriated.

SEC. 2. That original section 3 of said act be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1881.

[Senate Bill No. 437.]

## AN ACT

For the relief of W. C. Eakins, late treasurer of Green township, in Scioto county, Ohio.

WHEREAS, In the year 1873, W. C. Eakins, who was then a citizen and treasurer of the township of Green, in the county of Scioto, and a man of integrity and of business capacity, did deposit in the bank of Thos. Dugan & Co., then reputable bankers, and in good credit, the funds of the township of Green of which he, as treasurer, was the custodian to the amount of eighteen hundred dollars (\$1,800.00); and,

WHEREAS, The said banking firm of Thos. Dugan & Co. failed in business, and thereby caused a loss of the township funds so deposited by the said W. C. Eakins to the extent of eighteen hundred dollars (\$1,800.00); and,

WHEREAS, Fifty-seven of the tax-payers of the said Green township have petitioned the legislature of Ohio to pass an act for the relief of the said W. C. Eakins; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Green township, Scioto county, Ohio, are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of eighteen hundred dollars (\$1,800.00), and certify the same as other taxes, and the sum so raised shall be applied to reimburse said W. C. Eakins for such sum of eighteen hundred dollars (\$1,800.00) by him so lost in said bank, and for the release of the said W. C. Eakins and his sureties on his official bond as treasurer of said Green township from liability arising from said loss.

SEC. 2. The trustees of said township of Green are hereby authorized and required to submit the question of making the levy and furnishing the relief provided for in the first section of this act to the qualified electors of said township, at a special election not less than thirty days after the passage of this act, of which at least ten days' notice shall be given by posting notices in not less than five public places in said township. The voters at such election shall have placed upon their ballots, "For relief—Yes," or, "For relief—No," and if a majority of the votes cast at such election shall be for relief, the levy shall be made and relief furnished as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill . . .]

## AN ACT

To authorize the trustees of Middleburgh township, Cuyahoga county, Ohio, to levy a tax for the support of the poor, and to pay existing indebtedness against said township contracted for the support of its poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Middleburgh, Cuyahoga county, be and they are hereby authorized to levy and assess (in addition to the tax now authorized by law) upon the taxable property of said township, in the year 1881, and for four

succeeding years, a tax of five-tenths of a mill on each dollar of the taxable property of said township, for the support of the poor, and for the purpose of paying off an existing indebtedness against said township incurred for the support of its poor, and said trustees are hereby authorized to certify the same to the county auditor which shall be collected as other taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 941.]

AN ACT

To authorize the board of education of the city school district of Xenia city to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city school district of Xenia city, Ohio, be and the same is hereby authorized to transfer three thousand five hundred dollars (\$3,500) from the building fund of said school district to the contingent and continuing school fund thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 803.]

AN ACT

To authorize the village of Logan, Hocking county, to issue bonds to purchase cemetery grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Logan, Hocking county, Ohio, are hereby authorized to issue the bonds of said village in an amount not to exceed the sum of three thousand dollars, to bear interest at the rate of six per cent. per annum, payable semi-annually, for the purpose of purchasing cemetery-grounds for said village; said bonds shall be payable, one thousand dollars each year after their issue, and shall not be sold for less than their par value, and said bonds shall be signed by the mayor and clerk of said village.

SEC. 2. For the purpose of raising the money to pay said bonds and the



interest thereon as they mature, said council is hereby authorized to levy a tax sufficient to meet the same in addition to the taxes now authorized by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 753.]

AN ACT

To amend section one (1) of an act entitled "an act to regulate the distribution of any surplus that may remain in the treasury of the county of Scioto arising from the tax on dogs," passed March 30, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to regulate the distribution of any surplus that may remain in the treasury of the county of Scioto, arising from tax on dogs," be so amended as to read as follows:

Section 1. Any surplus arising from the tax on dogs in excess of one thousand dollars, and arising from said tax after January 1, 1880, remaining in the county treasury of the county of Scioto after all damages to sheep killed or injured by dogs shall have been paid, shall be apportioned to the different townships or wards in proportion to the amount of tax actually collected from said township or ward, and the said surplus, if any, shall be paid to the treasurers of the several townships for the use of the school fund; provided, that when the county of Scioto shall have an agricultural society in said county, organized under the provisions of section 3697 of the revised statutes, said surplus, not exceeding five hundred dollars in any one year, may be drawn from the county treasury under the direction of the county commissioners, and on an order from the county auditor, and appropriated for the encouragement of agricultural fairs, or in the payment of premiums or erection of buildings therefor, upon such terms and under such regulations as the said county commissioners may prescribe.

SEC. 2. The said original section one (1) of the above recited act is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 445.]

AN ACT

To authorize the village of Hanover, Columbiana county, to build a town-hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Hanover, in the county of Columbiana and the state of Ohio, be and are hereby empowered to issue bonds upon the

credit of said village to the amount of two thousand five hundred dollars for the purpose of building a town hall; said bonds to draw not more than six per cent. interest, and payable in from one to ten years.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 323.]

AN ACT

To authorize the trustees of certain townships in Van Wert county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the several townships, to wit: Pleasant, Ridge, Washington, York, Tully, Jackson, Hoaglin, Union, Wilshire, Harrison, Liberty, and Jennings, in the county of Van Wert, and state of Ohio, be and they are hereby authorized to levy and assess upon the taxable property of their townships respectively, including the villages situated in any of said townships, a tax not exceeding four mills in any one year upon the dollar valuation of said taxable property in addition to other taxes authorized by law, for a period not exceeding twenty years, for the purpose of improving by macadamizing and graveling the public highways in said townships, respectively, as may be deemed expedient or necessary by said board of trustees of said townships and for no other purposes; provided, the question of making such levy be submitted to the electors of each of said townships by its board of trustees at a special election to be held within said townships at the usual place or places of holding elections, at any time after the passage of this act, due notice of which shall be given by the posting of advertisements at five or more of the principal places at each of said townships at least ten days prior to the time fixed for holding said elections (the tickets to be voted at said election shall have written or printed thereon the words, "Road improvements—Yes;" or, "Road improvements—No," and if a majority of the votes cast at such election be in favor of such taxation, the said trustees of said respective townships shall be required, upon the petition of twenty or more tax-payers of said townships, to issue a call for said election.

SEC. 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the townships so voting said tax, to be collected by the county treasurer as other taxes in money, and, when collected, shall be paid to the treasurers of the respective townships from which the same were collected, and be under the control of the trustees thereof for the purposes herein specified.

SEC. 3. The township treasurer, before receiving the money arising from said levies as from the sale of said bonds provided for in section 4 of this act, shall be required to give an additional bond in double the amount of funds by him likely to be received, with good and sufficient sureties to be accepted by

said trustees, conditioned as required by law in similar cases and shall pay the same upon the order of the township trustees, countersigned by the township clerk.

**SEC. 4.** For the purpose of raising the money necessary to meet the expenses of such road improvements by macadamizing and graveling, the township trustees of such townships as have authorized levies to be made for such purposes shall issue the bonds of said townships in such sums as the trustees determine, payable at such times and places as they may deem advisable, with interest, not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

**SEC. 5.** The roads macadamized or graded under the provisions of this act shall be not more than sixty nor less than thirty feet wide and at least eighteen feet in width, in the center shall be graded so as to drain freely to the sides, and the macadamizing or graveling, when completed, shall not be less than ten nor more than sixteen feet in width, nor less than ten inches thick in the center and not less than six inches thick at the sides, the roads shall be well provided with all necessary side drains and other ditches providing an outlet for the drainage of the road-bed.

**SEC. 6.** The trustees shall immediately, upon the levy being made or the bonds being issued, designate the roads to be improved and appoint a competent surveyor or engineer, whose duty it shall be, under the direction of the trustees, to make a survey and level of the roads so selected, and divide the same in convenient sections for contracting or letting to fix the grades of the roads, the grades and size of the ditches, the kind of material, and the amount or thickness of the coat to be applied, and, if of stone, the size to which they shall be broken, and specifications for the bridges and culverts necessary, and such other specifications and suggestions as he may think proper, which shall be approved or modified by said trustees as they shall deem proper, and shall accompany his report with an estimate of the costs of macadamizing or graveling such roads, to which estimates the trustees shall, in all cases, be confined. He shall attend at the sale of said work, let all contracts subject to approval by the trustees, and furnish all necessary specifications to contractors, superintend and accept all work and certify its completion to said trustees who shall not authorize the payment of more than seventy-five per cent. of the amount of the certificate unless the work be completed, when the entire amount shall be paid as per contract. During the progress of such work the engineer shall report the same to the board of trustees on the first Monday of each month, at which time said trustees shall examine and audit all accounts which may be filed with them.

**SEC. 7.** A majority of the board of trustees of such townships as have authorized said tax to be levied shall be necessary to agree upon specifications and order said road improvements, or any part thereof, and the work of the construction of such roads shall be let publicly by the said township trustees for their respective townships, to the lowest responsible bidder, after due notice given of such letting by the publication in one or more newspapers published, or of general circulation in the county, or by hand-bills, or both; for that purpose the said trustees for their respective townships shall cause the same to be divided into convenient sections, and said sections numbered from some given point as a place of beginning toward the termination, which shall be let in sections with proper specifications of the work required on each section, and bidders shall be required to separately state their bids for the work to be performed in such manner as the trustees shall provide, and each contractor shall be required to give bond with good and sufficient securities to the acceptance of the trustees for the faithful performance of his contract.

**SEC. 8.** Any surveyor or engineer appointed to perform any duty under the

provisions of this act, shall be required to take an oath to honestly and faithfully perform the duties of his appointment, and execute a bond in a sum not to exceed two thousand dollars, with good and sufficient sureties conditioned to an honest and faithful performance of his duties. The township clerk shall be provided with a separate book in which shall be kept a complete record of all proceedings had under this act. The surveyor or engineer shall receive the same fees as are received by him for like services in other cases. The clerk the same fees as are received by him under the drainage laws; the trustees one dollar and fifty cents per day, for the time actually employed; and the treasurer for the safe keeping and disbursing of all funds which may come into his hands one-half one per centum and no more.

SEC. 9. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[Senate Bill No. 310.]

AN ACT

To authorize the county commissioners of Hamilton county to levy a tax for the opening, grading, and completing of an avenue known as Glenway West.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county may levy a tax of one-fifth of one mill upon the tax duplicate of said county, to be applied for the opening, grading and completing a thoroughfare known as Glenway West, commencing on the eastern slope of Price Hill, west of Mill Creek, in the city of Cincinnati, to extend by easy grades and curves in a northwesterly direction to the Cincinnati and Warsaw turnpike, where the same runs nearly due west to Cedar Grove in said county, said amount to be expended by and under the direction of the commissioners of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1881.

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[House Bill No. 792.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct certain turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Clermont county, Ohio, be and they are hereby authorized to construct the following free turnpikes: First road commencing at the end of

the Point Isabel and Moscow turnpike, at Point Isabel running with county road by Sallair and Nicholsville to the Ohio turnpike at such point as the commissioners may direct. Second road commencing at Batavia and running the nearest and best route to New Boston, from New Boston to intersect Newtonville or Edenton turnpike, as the commissioners may determine.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road; provided, said bonds shall not bear interest at a higher rate than six per cent. per annum, payable annually, and shall not be sold for less than their par value; provided, further, that said bonds may extend to such time as they can be met at a levy of three-fourths of a mill on the dollar, levy on the tax duplicate of said county.

SEC. 3. That said commissioners shall, before proceeding to construct said roads, or any one or part of same, require and secure from those interested in said improvements a subscription or donation equal in amount to twenty per centum of the cost of said improvement, to aid in the construction of the same, or in lieu thereof may cause those interested in said improvement to grade and culvert said roads, or parts of roads, ready for the metal for the same.

SEC. 4. That for the purpose of paying said bonds the county commissioners are hereby authorized to levy and assess a tax, not exceeding three-fourths of a mill on the dollar, annually, on any and all property in said county.

SEC. 5. That a majority of said board of commissioners shall, at any regular session, be necessary to agree upon specifications and order said improvement, or any part thereof.

SEC. 6. This act shall be in force and take effect from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 839.]

#### AN ACT

To change the surnames of persons therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the respective surnames of Frederick Frick, Margaret Ann Frick, his wife Charles Evan Frick, his son, Sarah Ellen Frick, Louisa Ann Frick, Minnie Jane Frick and Emma Christine Frick, his daughters, Mary Catherine Frick, the wife, and Anson Frederick Frick, the son of said Charles Evan Frick, Caroline Elizabeth Frick, sister of said Frederick Frick, and David Ellsworth Frick, her son, all of whom are residents of Vinton county, Ohio, be and the same are hereby changed so as to read as follows; respectively, to wit: Frederick Fri, Margaret Ann Fri, Charles Evan Fri, Sarah Ellen Fri, Louisa Ann Fri, Minnie Jane Fri, Emma Christina Fri, Mary Catherine Fri, Anson Frederick Fri, Caroline Elizabeth Fri, and David Ellsworth Fri.

SEC. 2. That such changes of surnames shall in no wise affect the rights, privileges, and liabilities of either of said persons, individually, or of said

Fredrick Fri, formerly Fredrick Frick, as an infirmiry director of said county of Vinton.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 970.]

AN ACT

To authorize the village of Clarksville, Clinton county, Ohio, to levy a tax for the relief of George W. Garrison and Ezekiel Cast

WHEREAS, The court of common pleas of Clinton county, Ohio, decided and held that certain proceedings of the said George W. Garrison, while mayor of the incorporated village of Clarksville, Clinton county, Ohio, were illegal and void, for the reason that certain writs issued by him while mayor were not under the corporate seal of said village; and whereas, the said village had neglected to provide a proper seal; and,

WHEREAS, By reason of said informality, certain fines assessed and certain sentences of imprisonment rendered by the said George W. Garrison, while mayor of said village, have been held to have been illegal, void, and of no effect; and,

WHEREAS, Certain persons, by reason of said informality, have recovered judgments against the said George W. Garrison and the said Ezekiel Cast, the then marshal of said village, for damages, by reason of said illegal writs having been issued and served, or attempted to be served; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Clarksville, Clinton county, Ohio, are hereby authorized, in the years 1881 and 1882, to levy a tax of not exceeding three mills on the dollar of the valuation of the property subject to taxation in said incorporated village, in the years 1881 and 1882, or so much thereof as may be necessary for the purpose of reimbursing and paying to the said George W. Garrison and the said Ezekiel Cast, any money they may have paid on any judgments recovered against either or both of them, for damages on account of fines illegally assessed, or sentence of imprisonment illegally rendered by the said George W. Garrison while mayor of said incorporated village, and carried into execution, or attempted to be carried into execution, by the said Ezekiel Cast while marshal of said village.

SEC. 2. That before the levy of the tax aforesaid shall be made, the council shall submit to the electors of said incorporated village, at a called election, the question of "Tax" or "No Tax," which shall be written or printed on the said ballots to be voted, and the council shall cause notice of such election to be posted in at least three public places in said incorporated village for ten days before said election, and if a majority of two-thirds of electors voting at said

election on said proposition shall be in favor of said tax, then the council of said incorporated village shall levy the tax, and not otherwise.

SEC. 3. This act shall take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 816]

# AN ACT

To authorize the council of the village of Forest to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Forest, Hardin county, Ohio, be and they are hereby authorized to transfer the sum of two hundred and fifty dollars from the building fund to the park fund of said village, and the sum of two hundred dollars from the building fund to the sanitary and street fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 671.]

# AN ACT

To authorize the county commissioners of Ross county to levy a tax for the purpose of constructing, extending, or finishing free turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ross county are hereby authorized, when in their judgment the public interests demand it, to cause to be constructed or finished free turnpikes on or near any state or county road in said county, of such width as in their judgment may seem best, and if the commissioners decide that the public will be benefited by changing the course of any state or county road, they shall proceed to make such change in the manner now prescribed by law for locating and changing state and county roads, and in all other respects in the construction of said roads, they shall proceed in accordance with sections 4770,

4771, 4772, and 4773 of the revised statutes : provided, that not more than ten thousand dollars shall be expended in any township for the above purpose, and when the same is not sufficient to complete such turnpike road or roads, the commissioners may receive contributions from those interested sufficient to finish the same.

SEC. 2. Before said commissioners shall proceed to let contracts for the construction or finishing of any free turnpike road in said county, they are hereby authorized, in addition to what they are now by law allowed, to levy an additional tax on all the taxable property of the county, not exceeding the sum of ten thousand dollars in any one year for the above purpose, nor shall they let contracts to exceed the amount of the tax levied annually, and the whole amount levied under the provisions of this act shall not in the aggregate exceed the sum of twenty-five thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 449.]

#### AN ACT

To authorize the county commissioners of Erie county, Ohio, to issue bonds to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Erie county, Ohio, for the purpose of raising money to build a jail in Sandusky, Erie county, Ohio, be and are hereby authorized and empowered to issue bonds of said Erie county in sums of not less than one hundred dollars each, and in the aggregate not to exceed thirty-five thousand dollars, which bonds shall have proper interest coupons attached, and bear a rate of interest not exceeding six per centum per annum, payable on the first days of March and September. The payment of the principal of said bonds shall not be deferred beyond a period of six years, and shall be payable at the pleasure of the commissioners after two years.

SEC. 2. Said bonds shall be signed by said commissioners and attested by the auditor of said county, who shall keep a record of all bonds issued and to whom issued. Said bonds shall be negotiable, and payable at such place as the commissioners of said county shall determine, which place shall be specified in said bonds, and they shall not be disposed of at less than their par value.

SEC. 3. That the said commissioners are hereby authorized to levy a tax to pay the principal and interest of said bonds, not to exceed in any one year one-half of one mill on the dollar of valuation of the taxable property of said county.

SEC. 4. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.



[Senate Bill No. 419.]

## AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Clermont county, Ohio, be and they are hereby authorized to construct a free turnpike road, beginning at the corporation line of the village of Felicity, and running, as near as practicable, along the line of the old county road leading from Felicity to Georgetown, in Brown county, making the terminus of said road at the Brown county line near Benton school-house.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road; provided, said bonds shall bear interest at a rate of six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; provided, further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SEC. 3. That said commissioners shall, before proceeding to construct said road, or any part of same, require and secure from those interested in said improvement, a subscription or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same.

SEC. 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax not exceeding one mill on the dollar, annually, on any and all property in said county, upon the tax duplicate.

SEC. 5. That a majority of the said board of commissioners shall, at a regular session, be necessary to agree upon specifications and order said improvement or any part thereof.

SEC. 6. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 413.]

## AN ACT

To authorize the board of county commissioners of Clarke county to issue bonds for the payment of certain judgments, and to levy taxes to pay the principal and interest of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Clarke county, Ohio, are hereby authorized to issue, after the passage of this act, the bonds of said county, in an amount sufficient to obtain the means necessary to pay the judgments held against said county by the city of Springfield, the board of education of said city, the trustees of Springfield township, and the board of education of said township, said judg-

ments having been heretofore recovered in the court of common pleas within and for said county, and affirmed by the supreme court of this state, and each and all of said judgments growing out of and being connected with the defalcation of Theodore A. Wick, the former treasurer of said county, and also, and at the same time, treasurer of said city, and of the board of education of said city, and of said township, and of the board of education of said township, and still remaining wholly unsatisfied; said bonds to be of such denominations and to run for such time as may be determined by said commissioners, but not to exceed ten years, and to bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said board of commissioners of said county are hereby authorized and required to annually levy upon the taxable property of said county, in addition to the taxes now authorized by law, a tax sufficient to meet the accruing interest on said bonds, and to provide for the payment of the principal thereof, as the same becomes due.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 406.]

#### AN ACT

To authorize the board of education of Rush Creek township, of Fairfield county, to borrow money, and issue bonds for school-house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Rush Creek township, Fairfield county, Ohio, be and are hereby authorized to borrow money, not exceeding three thousand dollars, and to use the same in building, or paying the expenses of building school-houses in the said township, and to issue bonds for said sums so borrowed, and to levy taxes for the payment thereof and interest thereon accruing.

SEC. 2. Said bonds shall be of denominations of not less than fifty, nor more than five hundred dollars, and shall bear interest not exceeding six per cent. per annum, and shall be payable not longer than three years from the date of issue; shall be sold at not less than their par value, and shall be signed by the president and clerk of said board, upon resolution in that behalf by said board.

SEC. 3. This act shall take effect upon its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 402.]

## AN ACT

For the relief of the heirs of Eliza M. Heaton.

WHEREAS, In the year of 1870, by a mistake in the appraisement of five acres of land belonging to Eliza M. Heaton, situate in Weatherfield township, Trumbull county, Ohio, she was charged with an excess of value of two thousand three hundred and sixty-six dollars, and the said Eliza M. Heaton has paid the taxes on said excess of value for ten years, amounting to three hundred and eighteen dollars and eighty-eight cents (\$318.88); and whereas, said tax has been improperly paid, which cannot be refunded under existing laws; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Trumbull county be and he is hereby directed and required to examine the case above named, and if he shall find that said Eliza M. Heaton has paid improper or illegal taxes, he shall lay the matter before the county commissioners of said county at any regular or called session of the board, and if, in the opinion of the commissioners, the taxes so improperly paid should be refunded, they shall order the county auditor to draw his warrant on the county treasurer in favor of the heirs of said Eliza M. Heaton for the full amount of the taxes so improperly paid, with interest; and the county treasurer is hereby required to pay the same out of the surplus or unexpended funds in the county treasury.

SEC. 2. At the next semi-annual settlement of the auditor of Trumbull county with the auditor of state, after the refunding of said improper taxes, the auditor of said county shall deduct from the amount of taxes due the state at the settlement, the same as other taxes refunded are now required to be deducted, the amount of such taxes as may have been paid into the state treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 381.]

## AN ACT

To authorize the village of Clyde, Ohio, to transfer certain funds named therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Clyde, Ohio, is hereby authorized to transfer, permanently, by ordinance duly passed, two hundred and sixty-three dollars and sixty cents (\$263.60) from the steam fire-engine fund of said village to the corporation fund of said village.

SEC. 2. Said council is hereby authorized to transfer as aforesaid the proceeds (when the same are collected) of a certain levy, for said steam-fire engine

fund, authorized by an ordinance duly passed June 2, 1880, by said council, from said steam fire-engine fund to the building fund of said village.

SEC. 3. This act shall take effect upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 338.]

AN ACT

To authorize the commissioners of Ross county to settle certain claims therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county be and they are hereby authorized to allow to Thomas L. Mackey, late sheriff of said county, such sum as they may deem reasonable for his extra services, not exceeding three hundred dollars, in the hanging of Perry Bowsher, and for extra expenses for house rent and removing, caused by the tearing down and rebuilding of the county jail and sheriff's residence during his term of office.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 120.]

AN ACT

Relative to state and county roads and unfinished free turnpikes in Pickaway county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Pickaway county be and they are hereby authorized and empowered, upon such terms as they may deem for the best interests of the county and the landholders along the line of such proposed improvement, to complete any unfinished free turnpike, or improve, by graveling or otherwise, any state or county road, connecting with any free turnpike now completed, or which may be completed under the provisions of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 729.]

## AN ACT

Granting the right of way over and across certain lands owned by the state of Ohio in Rush and Washington townships, in Scioto county, Ohio, to the Cincinnati and Eastern railway company, or any successor of the same, for the purpose of constructing, maintaining, and operating a railroad thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works is hereby authorized to grant, upon such terms and conditions as to price, or otherwise, as in their judgment will subserve the best interest of the state, the right of way, to the Cincinnati and Eastern railway company, or its successors or assigns, to construct, maintain, and operate a railroad on the berme bank of the Ohio canal, from the mouth of Scioto Brush creek in Rush township, in Scioto county, southwardly through a portion of Rush and Washington townships, in said county, to a point near George Davis' distillery, and to cross the same by bridge or otherwise, in such manner as will not in any way interfere with the navigation or use of said canal; provided, that this act shall not be construed to grant any exclusive right of way, or privilege to the use of said lands to the said railway company, and the right to grant similar privileges to other corporations is hereby reserved.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[House Bill No. 858.]

## AN ACT

To authorize the trustees of Licking township, Licking county, to erect a town hall in the town of Jacksontown, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Licking township, Licking county, Ohio, be and they are hereby authorized to issue the bonds of said township, in any sum not to exceed twelve hundred dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually from the date of issue, for the purpose of building a town-hall in Jacksontown, to be used for public offices, elections, and general purposes, as the trustees may authorize; said trustees shall let the job to the lowest responsible bidder, but may reject any and all bids; provided, before the trustees proceed to erect such building, the question shall be submitted to the qualified voters of said township, at some general or special election, the clerk of said township giving at least ten days' notice of the same by putting posters up in at least three public places in said township. Those voting for the proposition shall have written or printed on their ballots, the words, "Town-hall—Yes;" and those voting against said proposition, "Town-hall—No."

SEC. 2. If two-thirds of the electors in said township vote in favor of said proposition, the trustees are hereby authorized and empowered to levy a tax upon the taxable property of said township, to pay said bonds and the interest thereon, as the same becomes due; if two-thirds of the electors voting on said proposition are not secured, this act shall be null and void.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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House Bill No. 948.]

AN ACT

To authorize the commissioners of Portage county to appropriate surplus dog tax fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Portage county be and they are hereby empowered and authorized to appropriate the sum of one thousand dollars from the surplus dog-tax fund of said county, and to pay the same to the Portage county agricultural society.

SEC. 2. That this appropriation shall be applied by said agricultural society to the payment of debt incurred in the erection of its permanent buildings, power-hall, cattle-sheds, etc.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 891.]

AN ACT

To authorize the commissioners of Pike county to issue bonds to pay indebtedness of the county, and to levy tax for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county be and they are hereby authorized to issue the bonds of said county, not to exceed twenty thousand dollars (\$20,000), bearing a rate of interest not to exceed six (6) per cent. per annum, payable

semi-annually, and to be of such denominations as the county commissioners of said county may determine, said bonds shall be signed by the county commissioners and countersigned by the county auditor, and an amount of such bonds and interest shall become due and payable semi-annually of each year, equal in amount and at the same time that the tax shall have been collected, as is provided for by the second section of this act; said bonds to be sold at not less than their par value, and the money arising from the sale thereof shall be applied to paying the indebtedness of said county, other than that now evidenced by bonds.

SEC. 2. The commissioners of said county shall provide for the payment of said bonds by the levy of a tax for the year 1881, and for the seven years thereafter next ensuing, not exceeding three-fourths of one mill on the dollar, annually, on all the taxable property in said county, in addition to the levy now authorized by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

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[House Bill No. 777.]

#### AN ACT

To authorize the creation of a special school district in East Union township, Wayne county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory embraced in the township of East Union, county of Wayne, and state of Ohio, including the village of Apple Creek and Edinburg, in said township, and described as follows, to wit: commencing at the north-east corner of the south-east quarter of section twenty-one (21), township sixteen (16) of range twelve (12); thence running west to the north-west corner of the south-east quarter of section twenty (20), township and range aforesaid; thence south to the south-west corner of the south-east quarter of section twenty-nine (29), township and range aforesaid; thence east on the section line to the south-east corner of the south-east quarter of section twenty-eight (28), township and range aforesaid; thence north on the section line to the place of beginning, saving and except the south-east quarter of section twenty-one, and five acres of land, more or less, owned by Oscar F. Wisner, and ten acres of land, more or less, owned by Solomon Nixon, off of the south-east corner of the south-east quarter of said section twenty-eight, be and the same is hereby created and declared to constitute a special school district, to be known as the Apple Creek special school district.

SEC. 2. The electors of said special school district shall, within thirty days after the passage of this act, by five of the householders in said district, giving twenty days notice of the time and place of holding the election, and thereafter, on the first Monday in April, elect three members of the board of education, one for one year, one for two years, and one for three years from the third Monday of April next thereafter, who shall hold their office for the term therein specified, and until their successors are elected and qualified.

SEC. 3. The said special school district shall be entitled to all of the school property within such territory, and the title thereto is vested in the board of education of said Apple Creek special school district.

SEC. 4. The said special school district shall be entitled to and shall receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses in accordance with the enumeration of 1880 of children who are entitled to attend schools, said funds being those now collected or already levied and not collected either in the county or township treasury.

SEC. 5. Said Apple Creek special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 18, 1881.

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[Senate Bill No. 403.]

#### AN ACT

Authorizing and empowering the council of the incorporated village of Shawnee, Perry county, Ohio, to purchase a lot and erect thereon suitable buildings for engine and hose carriage and sinking cisterns.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Shawnee, Perry county, Ohio, are hereby authorized and empowered to purchase in said village of Shawnee as much land as said council of said village may deem necessary for the purpose of putting thereon an engine-house, and that said council are hereby further authorized and empowered to build and erect on said lands so purchased by said council as aforesaid, suitable buildings for fire-engines and hose-carriages, and said council is hereby further authorized and empowered to sink and build as many cisterns as said council may deem necessary for the better protection of the said village against fire.

SEC. 2. The said council are also hereby authorized and empowered to issue and negotiate the bonds of said village to pay therefor, not exceeding four thousand dollars in the aggregate, payable at a future day (not exceeding eight years from the issuing of said bonds) in sums of not less than fifty dollars nor more than five hundred dollars, bearing interest at a rate not to exceed six per cent. per annum, to be paid semi-annually, and to levy and collect the taxes necessary to pay such bonds and interest; provided, that said bonds shall not be sold at less than their par value.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.



[Senate Bill No. 421.]

## AN ACT

To create two election precincts in Brown township, Vinton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the township of Brown, in the county of Vinton, and state of Ohio, be and the same is hereby divided into two election precincts, for state, county, and township purposes, by a line commencing at the south-east corner of section five of said township, running thence west along the south line of said section five and continuing west along the south lines of sections eleven and seventeen of said township, to the north-east corner of fraction twenty-three of said township; thence south along the east lines of fractions twenty-three, seventeen, and eighteen of said township, to the south-east corner of said fraction eighteen; thence west along the south lines of fractions eighteen and twenty-four of said township, to the south-west corner of said fraction twenty-four; thence south along the west line of fraction thirty-three of said township to the south-east corner of section thirty-three; thence west along the south line of said section thirty-three to the west line of said township. That the part of said township lying north and west of said dividing line shall be known and designated as the north-west precinct, and the remainder of said township lying south and east of said line shall be known and designated as the south-east precinct.

SEC. 2. That the elections in said north-west and south-east precincts shall be held at such places as the trustees of said township may prescribe.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 452.]

## AN ACT

To authorize the incorporated village of Athens to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Athens, Athens county, Ohio, be and they are hereby authorized and empowered to transfer permanently one thousand dollars (\$1,000) of the general fund to the road fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 18, 1881.

[Senate Bill No. 462.]

## AN ACT

To authorize the city of Warren, Trumbull county, Ohio, to borrow money for protection against fire.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Warren, county of Trumbull, be and it is hereby authorized to borrow money, not exceeding eight thousand dollars (\$8,000) for the purpose of purchasing a steamer for the use of the fire department of said city, and for its general fire purposes, and the council of said city is hereby authorized to issue bonds of said city for the money so borrowed, said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and said bonds shall be of such denominations and shall mature at such times as the council shall determine; provided, that such bonds shall not be sold for less than their par value.

SEC. 2. That said council of said city is hereby authorized to levy a tax on all the taxable property within the corporate limits of said village to pay said bonds, together with the interest thereon, as they shall become due, which levy shall be placed on the tax duplicate of said county and collected as other taxes.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 950.]

## AN ACT

To amend section one of the act entitled "an act to authorize the commissioners of Franklin county, to build a bridge across the Scioto river in said county, and to levy a tax for that purpose," passed March 30, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That the commissioners of Franklin county, Ohio, be and they are hereby authorized, as soon as money sufficient for the purpose shall be provided under authority conferred upon them to that end, to remove the old bridge across the Scioto river, on the line of the old national road, now Broad street, in the city of Columbus, Franklin county, Ohio, and build a new bridge on the same site, and to levy a tax for that purpose, not exceeding six-tenths (6-10) of a mill on the dollar of all the taxable property of said county, each year for four years, (including the year 1880, for which a levy has been already made under the authority of the act to which this is amendatory) in addition to the other levies authorized by law; provided, the question of making such levy be submitted to the electors of said county of Franklin at a general election,

due notice of which shall be given by the commissioners of said county in at least two newspapers of general circulation within said county, not less than six consecutive weeks prior to submitting said question to said electors, and that if a majority of the votes cast at such election be in favor of such levy and taxation then said commissioners shall levy said tax as hereinbefore directed.

SEC. 2. That said original section one (1) be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 999]

AN ACT

To authorize the mayor and council of the incorporated village of Jefferson, Ashtabula county, Ohio, to sell certain grounds therein named, and to make a conveyance therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor and council of the incorporated village of Jefferson in the county of Ashtabula, state of Ohio, are hereby authorized to sell at private sale and to convey by deed to be executed by the mayor, by order of the council, the public square in said village situated at the north-east corner of the intersection of Jefferson and Chestnut streets in said village; provided, that said sale shall not be made until after the written consent of the owners of adjacent lands shall have been obtained that said sale may be made; and such consent, when so obtained, shall be recorded in the records of the proceedings of the mayor and council of said village.

SEC. 2. The proceeds arising from such sale shall be paid to the treasurer of said village to be used for the improvement of the village under the direction of the mayor and council thereof.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 998]

AN ACT

To authorize the trustees of Silver Creek township, Greene county, to transfer certain funds.

WHEREAS, The trustees of Silver Creek township, Greene county, Ohio, about the year 1861, under and by virtue of the provisions of the act entitled

"an act to charter the Dayton, Xenia, and Belpre railroad company, passed February 19, 1851, subscribed the sum of ten thousand dollars to the capital stock of said company, and issued the bonds of said township therefor, and

WHEREAS, After the redemption of all of said bonds which have been presented for payment, and the expiration of about seventeen years since the last of said bonds became due, there is found to the credit of said fund, under the control of the trustees of said township, the sum of about fourteen hundred dollars, and

WHEREAS, By the several acts (O. L. vol. 68, page 157, O. L. vol. 75, pages 212 and 213, O. L. vol. 73, page 289), the trustees of said township were authorized to loan said fund, and

WHEREAS, Under and by virtue of the provisions of the aforementioned acts, the trustees of said township loaned the Dayton and South-Eastern railroad one thousand dollars of said fund, and received a bond therefor, and

WHEREAS, It is for the interest of the people of said township that the money belonging to said fund as represented by said bond of one thousand dollars aforesaid, as well as the money to the credit of said fund in the township treasury, be expended for the benefit of the people of said township, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Silver Creek township, Greene county, be and they are hereby authorized and directed to sell said bond of one thousand dollars of the stock of the Dayton and South-Eastern railroad at not less than its true value in money, and invest the same together with any moneys now in the township treasury or under the control of the trustees of said township in the construction of a free turnpike from Jamestown in said township, to Bowersville in Jefferson township, in Greene county; provided, that no part of said money as aforesaid shall be expended beyond the limits of said township of Silver Creek; and provided further, that if said Silver Creek township shall hereafter be legally held liable for, and required to pay all or any part of said bonds which have not been presented for payment, nothing herein contained shall interfere with, or release said township from any legal responsibility for their redemption.

SEC. 2. All acts or parts of acts which are inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 989.]

#### AN ACT

To authorize the transfer of certain funds by the trustees of Perry township, Columbiana county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Perry township, Columbiana county, Ohio, be and they are hereby authorized to transfer from the general fund of said township the sum of twenty-four

hundred dollars, as viz. : To the board of education of the union school district of the incorporated village of Salem in said township, the sum of eighteen hundred dollars; also, to the board of education of said Perry township, the sum of six hundred dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 985.]

AN ACT

To authorize the town council of the village of Waverly to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the village of Waverly, Pike county, be authorized to transfer all or such part of the funds in the treasury, and that which will be collected under the present levy for bridge purposes, to the improvement and appropriation fund of said village as may be proper.

SEC. 2. This act shall be in force from its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 988.]

AN ACT

For the relief of Philip Endlich.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Adams township, Coshocton county, are hereby authorized to release Philip Endlich and his official securities on their official bonds as treasurer of said township, from the payment of the sum of sixty-three dollars (\$63) belonging to the township funds; provided, that the said trustees shall submit said proposition to release to the qualified voters of said township, at a general or special election, and two-thirds at said election voting in favor of said release.

SEC. 2. It shall be the duty of the trustees, before submitting said proposition, to give notice by advertisement, posted in three conspicuous places in said township, at least ten days next preceeding said election, stating the object thereof, and the form of the ballot shall be the following: "For release—Yes." For release—No."

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 974.]

AN ACT

To authorize the trustees of Oxford township, Tuscarawas county, Ohio, to sell certain railroad stock, and appropriate the proceeds to the construction of a town hall in the village of Newcomerstown, in said township, and to repeal an act therein contained.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Oxford township, Tuscarawas county, be and they are hereby authorized to appropriate any funds in the treasury at this time, or that may hereafter be paid into the treasury of said township, arising from the sale of the capital stock of the Steubenville and Indiana railroad company, held by said township, to the construction of a town hall in the village of Newcomerstown in said township.

SEC. 2. That an act entitled "an act to authorize the trustees of Oxford township, Tuscarawas county, Ohio, to sell railroad stock and appropriate the proceeds to the construction of a bridge," passed April 25, 1872, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives,*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 978.]

AN ACT

To authorize the commissioners of Adams county, Ohio, to transfer funds arising from tax on dogs to the poor fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Adams county, Ohio, be and they are hereby authorized to transfer any funds in the treasury of said county raised from the taxation on

dogs, and not used or necessary for the purpose for which it was raised, to the poor fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. C. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 928.]

AN ACT

To authorize the trustees of Newark township, Licking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Newark township, Licking county, Ohio, be and the same are hereby authorized to transfer the sum of two thousand nine hundred and seventeen dollars and ninety cents (\$2,917.90) from the railroad sinking fund to the general and township poor fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 815.]

AN ACT

Authorizing the board of equalization for Lucas county, and the auditor of said county to make certain corrections upon the delinquent tax duplicate of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of equalization of Lucas county are hereby authorized to reduce upon the tax duplicate for 1880, or any delinquent tax duplicate, subsequent to 1874, the taxable valuation of the lots and lands in said county that were advanced in taxable valuation upon the duplicate of said county for the years 1874 and 1875, to the taxable valuation of such lots and lands as they stood upon such county duplicate prior to such advance by said boards of 1874 and 1875, but not below the taxable valuation of such lots and lands for 1873.

SEC. 2. When said board of equalization shall have reduced the taxable valuation of such lots and lands, as authorized in section one of this act, it shall be the duty of the county auditor, upon the application of the owner of any portion of such lots or lands, desiring to pay the taxes upon his said lots or lands upon the tax duplicate of 1880, or any delinquent tax duplicate for any year prior thereto, as hereinbefore provided for, to issue to such owner a refunding order for the difference between the taxes on his said property, appearing on the said tax duplicate, and the amount due and unpaid on said property, when the taxes shall have been computed on such reduced valuation, for the several years since and including 1875, during which said property has remained delinquent; and in case any person shall have paid any taxes levied upon his lots or lands after the same were advanced in valuation, and before the valuation shall have been so reduced, the county auditor shall, upon the presentation of the receipt for such payment, issue to the person making the same, a refunding order for the difference between the taxes so paid and the amount of such taxes, if the same had been levied upon such reduced valuation; and such refunding order, and any part of the amount thereof, to be used thereon, shall be receivable by the county treasurer in payment of taxes now or hereafter charged against the property of the payee.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No. 676.]

# AN ACT

To authorize the village of Orrville to issue bonds for the purpose of erecting a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Orrville, in Wayne county, Ohio, is hereby authorized to issue bonds, not to exceed ten thousand dollars in denomination not less than fifty, nor more than one thousand dollars, for the purpose of erecting a town-hall, to be used for engine-room and other purposes; said bonds shall bear not more than six per cent. interest, and shall not sell for less than par, and may be made to run for such time as the council of said village may provide by the ordinance providing for such issue of bonds.

SEC. 2. The bonds mentioned in this act shall not be issued until after the question of issuing the same shall have been first submitted to the electors of said village, either at any general or special election that may be called for the purpose, and two-thirds of the ballots of the electors voting upon such question be cast in favor of such issue of bonds. The ballots shall have written or printed upon them, "Issue of bonds for town-hall—Yes;" "Issue of bonds



for town-hall—No.” The council of said village may, by resolution, at any regular meeting, call such special election, or to decide to submit such question at the general municipal election. Such resolution shall be published for two consecutive weeks in a paper published in said village, and shall also contain notice of the time and place or places for the holding of such election, and such resolution shall also state the maximum amount of bonds proposed to be issued.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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[House Bill No 634.]

#### AN ACT

To authorize the commissioners of Hamilton county to build a road from the corporate limits of Cincinnati, to intercept the Colerain pike at Mount Airy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county are authorized, if in their opinion the public interest shall require it, as hereafter provided, to lay out, open, grade and macadamize a road commencing at the corporate limits of Cincinnati, where the Kirby road terminates, and running thence by the shortest and best route to the Colerain turnpike, north of the school-house at Mount Airy, a distance not to exceed two miles, and to pay the cost of said road out of any unexpended balance in the road fund of said county; provided that no part of the money appropriated shall be applied in the purchase of the right of way.

SEC. 2. That when a petition signed by a majority of property holders along the line of said road, shall be presented to the commissioners praying for its opening, they shall cause a survey of the same, and prepare an estimate of its cost; the work, after due notice, shall be let to the lowest responsible bidders, as provided by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 515.]

## AN ACT

Authorizing the commissioners of Jefferson county to assist in the construction of a culvert therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That he county commissioners of Jefferson county, in this state, be and are hereby empowered to assist the Pittsburg, Cincinnati and St. Louis railway company to erect, excavate and construct a tunnel, or culvert, under the track and road-bed of said railway company, at or near what is known as Peeler's Crossing (west of Mingo Junction), in said county, for road purposes, and to make such changes in the road course as may be necessary to its proper construction ; provided, however, that such assistance shall not exceed one-half of the expense of the construction thereof.

SEC. 2. When such culvert or tunnel shall have been constructed or erected, the commissioners shall report the expense of the same to the county auditor, who shall draw his warrant for the amount, or such part thereof as they are authorized to pay, on the county treasurer, and the county treasurer shall pay such warrant from any moneys in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 842.]

## AN ACT

To authorize the payment of advertised fees, or costs, debts, or damages in Guernsey county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all advertised fees, or costs, debts, or damages in Guernsey county in cases where the records in the clerk's or probate judge's offices do not show that such fees, or costs, debts, or damages have been paid over to the county treasurer, but the file papers, or records in the auditor's office do, in such case any person entitled to any fees, or costs, debt, or damages, shall be entitled to a warrant for the same upon the county treasurer, upon the certificate of the clerk, or probate judge, that the person is entitled to fees, or costs, debt, or damages in the case.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 975.]

## AN ACT

To authorize the trustees of certain townships in Coshocton county, state of Ohio, to levy taxes to improve the public highways in said townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the several townships, to-wit: Bethlehem, Jefferson, Tuscarawas, Jackson, Virginia, Keeno, Linton, Whitesys, and Newcastle in the county of Coshocton, and state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their townships respectively, including the villages situate in any of said townships, a tax not exceeding four mills in any one year upon the dollar valuation of said taxable property in addition to other taxes authorized by law, for a period not exceeding fifteen years, for the purpose of improving by macadamizing and graveling the highways in said townships respectively, as may be deemed expedient or necessary by said board of trustees of said townships, and for no other purpose; provided, the question of making such levy be submitted to the electors of each of said townships by its board of trustees at a special election to be held within said townships at the usual places of holding elections, at any time after the passage of this act, due notice of which shall be given by the posting of advertisements at five or more of the most public places in each of said townships, at least ten days prior to the time fixed for holding said election (the tickets to be voted at said election shall have written or printed thereon the words, "Road improvement—Yes;" or, "Road improvement—No,") and [if] a majority of the votes cast at such election be in favor of such taxation, the said trustees of said respective townships shall be required upon the petition of twenty or more citizen tax payers of said townships to issue a call for said election.

SEC. 2. That the taxes authorized to be levied shall be placed by the county auditor upon all the taxable property of the townships, and collected by the county treasurer as other taxes, and when collected shall be paid to the treasurers of the townships from which the same was collected, and be under the control of the trustees thereof for the purpose of paying the principal and interest of the said bonds, and for no other purpose. The money arising from the sale of said bonds shall be received and receipted for by the township treasurer, who shall be liable on his official bond for the same; provided, that before any such treasurer shall be entitled to demand and receive said money he shall give an additional bond in double the amount so received to the acceptance of the trustees of the township, and the treasurer shall be entitled to receive as his fees on all moneys that come into his hands under the provisions of this act, one half of one per cent. and no more, and in any township where there is no fire or burglar-proof safe; provided, the trustees may direct a deposit of said money in some safe place with the consent of the township treasurer, but the treasurer shall not be released from liability on his official bond by reason of such deposit, and all such money shall be paid out on the order of the board of trustees countersigned by the township clerk.

SEC. 3. The board of trustees shall immediately, upon the levy being made, designate the roads to be improved, and divide the same into convenient sections, and appoint a competent surveyor or engineer whose duty it shall be, under the direction of the board of trustees, to make a survey and level of the roads so selected, fix the grade of the road, and the grade and capacity of the drains on the sides thereof, and the specifications of all bridges and culverts, and to fix the width of the graveled or macadamized track not less than ten feet nor more

than sixteen feet, and the depth not less than six inches nor more than ten inches in the center, and the slope from the center to the sides, and estimate the cost of construction of each section, drain, and culvert, to superintend the letting and the building of the improvement, examine and accept the work when completed according to contract, and certify to the work when accepted by him to the board of trustees, who shall examine into the correctness of the certificate, and if found in all respect, correct, shall confirm his act and draw an order for the amount due for the work so completed as herein provided for; the engineer, before entering upon the discharge of his duties, shall file a bond in a sum to be fixed by and to the satisfaction of the board of trustees, with two or more securities, and take and subscribe an oath of office which shall be indorsed upon the bond, and filed with the township trustees.

SEC. 4. For the purpose of raising the money necessary to meet the expenses of such road improvements by macadamizing and graveling, the township trustees of such townships as have authorized levies to be made for such purposes, shall issue the bonds of said townships in sums of one hundred, five hundred, or one thousand dollars each, payable at such times and places as they may deem advisable, with interest not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value; provided, that no levy or assessment shall be made to pay any part of the principal of said bonds for the period of ten years.

SEC. 5. A majority of the board of trustees shall be necessary to confirm the report of the engineer, and to order the said road improvement or any part thereof, and the work of the construction of said road improvement shall be publicly let, the grading, graveling, or macadamizing by sections as numbered, and the drains and culverts separately, to the lowest responsible bidder, by the engineer, subject to the approval of the trustees, who may reject any or all bids, after public notice of the time and place of such letting, for at least two weeks in a newspaper of general circulation in the township and county, or by hand-bills, or both, at the discretion of the board of trustees. The sections of said road herein provided for, shall be numbered by the engineer, consecutively, from a point designated as a starting point to the termination. The specifications of the work shall be furnished by the engineer to each contractor for the work contracted to be performed by him, the grading, graveling, or macadamizing of each section. The culvert draining shall be separately stated in the bids, and each contractor shall give bond and security to the acceptance of the board of trustees for the performance of his contract, and which shall be examined and approved as hereinbefore provided.

SEC. 6. The trustees, for services rendered under the provisions of this act, shall be entitled to receive, for each day actually employed, one dollar and fifty cents, and the trustees shall provide for the use of the township clerk, a suitable blank-book in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, together with the reports of the engineer, and all estimates by him made as confirmed by the trustees, and the specifications of the roads, drains, and culverts and other improvements. And the township clerk for making said record shall be entitled to receive ten cents per hundred words, and for all the other services such reasonable compensation as may be allowed by the board of trustees. The engineer shall be entitled to receive four dollars per day for the time actually employed in the proper discharge of his duty, under the provisions of this act. The fees of all the township officers and the engineer shall be paid out of the township road fund on the order of the board of trustees countersigned by the township clerk.

SEC. 7. The roads graveled or macadamized under the provisions of this act, shall be free to the public travel, and shall be kept in repair by the trustees out of the funds that come into the township treasury from the county treasury, as provided in section one thousand four hundred and fifty-nine (1459) of the revised statutes of Ohio.

SEC. 8. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 979.]

#### AN ACT

To authorize the village of London, in Madison county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the village of London, in Madison county, be and it is hereby authorized to transfer permanently, by ordinance duly passed, fifteen hundred dollars (\$1,500.00) from the street fund to the fire department fund of said village.*

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Bill No. 998.]

#### AN ACT

To authorize the commissioners of Clermont county, Ohio, to levy a tax to the amount of certain judgments recovered against said county.

WHEREAS, John Kinney, John Miller, D. C. Hollrock, John Jarman, John Jarman, executor of George Jarman, deceased, and John Jarman, executor of Azariah Jarman, deceased, have respectively recovered judgments in the court of common pleas of Clermont county, Ohio, against said county on bonds issued by said county for the construction of free turnpike roads in said county; and,

WHEREAS, There are no funds in the treasury of said county, or that can be realized from assessments heretofore made for the construction of said free turnpikes, applicable to the payment of said judgments; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of said county of Clermont be and they are hereby authorized and empowered to levy, in addition to the levies now authorized by law, upon all the taxable property of said county, a sufficient sum to pay the several judgments rendered by the court of common pleas of said county in favor of said John Kinney, John Miller, D. C. Hollrock, John Jarman, John Jarman, executor of George Jarman, deceased, and John Jarman, Executor of Azariah Jarman, deceased, against said county, including costs of suits; that said levy be made on the tax duplicate of said county for the year 1881, and that said levy, when collected, be applied to the payment of said judgments in the order of the dates of the rendition of the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

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[Senate Bill No. 486.]

#### AN ACT

To aid the village of Malta, Morgan county, Ohio, to annex itself to the village of McConnelville in said county.

WHEREAS, The council of the village of Malta, in Morgan county, propose to annex the territory of the said village to the village of McConnelville in said county, whose territory is adjoining and contiguous thereto, and it is the desire of the people of both said villages, that said annexation shall take place at once; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of each of the villages of Malta and McConnelville, in Morgan county, may submit the question of the annexation of such villages to the electors of each respectively, at a special election to be held at the usual place of holding election in each village, at such time as each council may fix, of which election notice shall be given by posting notices thereof in the public places in each village, at least ten days before the time of holding such elections, and such submission held and the vote thereon then and there held and the annexation effected thereunder shall be in all respects as valid as if the provisions of section 1608 of the revised statutes of Ohio had been fully complied with, but the statutes in force pertaining to such annexation, except as by this act modified, shall be fully observed and proceedings had thereunder fully completed to complete such annexation.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 794.]

## AN ACT

**Supplementary** to the act of the general assembly entitled "an act to authorize the commissioners of Noble county to construct certain free turnpike roads, passed April 14, 1880. (O. L. vol. 77, page 394.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That before the commissioners of Noble county shall proceed to construct the free turnpikes described in the act of the general assembly entitled "an act to authorize the commissioners of Noble county to construct certain free turnpike roads," passed April 14, 1880, or any part thereof, or to issue any bonds or levy any tax therefor, said commissioners shall submit the question of the construction of said turnpikes to the electors of said county at some general election held after the passage of this act, due notice of which shall be given by publication in each of the newspapers published in said county, at least three full weeks before said election, and by a notice posted on the door of the house in which the election is held in each township in said county, at least ten days before said election. The tickets to be voted at said election shall have written or printed thereon the words, "Turnpike Roads—Yes;" or "Turnpike Roads—No." And if a majority of the votes cast at such election shall have thereon "Turnpike Roads—Yes," then said commissioners shall proceed to construct said free turnpikes, as provided in said act, and not otherwise.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 902.]

## AN ACT

Authorizing issue of bonds by Jackson school district, Jackson county, Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the school district of Jackson, in Jackson county, is hereby authorized to purchase ground and erect a school-house thereon, and furnish the same at a cost of not more than \$15,000, and to issue the bonds of said school district for not more than \$15,000, in denomination not less than fifty, nor more than one thousand dollars each, to run from one to ten years, payable \$1,500 a year, bearing six per cent interest, payable annually, and shall not sell for less than par; and the said board shall levy yearly on the property of such school district a tax sufficient to pay the accruing interest on such bonds, and to meet said maturing bonds; and such levy may be outside of

and additional to the limitations now imposed by law on the amount that may be levied for any and all purposes.

Sec. 2. This act shall take effect from its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 903.]

#### AN ACT

To authorize the commissioners of Allen county, Ohio, to transfer funds from tax on dogs to the agricultural society of Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Allen county, Ohio, be and they are hereby authorized to transfer to the agricultural society of said county any funds in the treasury of said county, arising from the per capita tax on dogs, to be expended by said agricultural society toward the purchase and improvement of Allen county fair grounds.

Sec. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Bill No. 919.]

#### AN ACT

For the relief of John Curtis, John Reid, and the legal representatives of George Brown and Company.

WHEREAS, The appraisalment on a certain lot being 43½ feet front on the south side of Sixth street, and 139 5-6 feet deep, on the east side of a twenty feet alley, extending south from Sixth street, between Main and Sycamore streets, and being part of inlots 95 and 96 in the city of Cincinnati, Hamilton county, Ohio, was returned by the district assessors, in 1859, at thirteen thousand four hundred (\$13,400), and the decennial board of equalization of said year reduced said appraisalment to twelve thousand and sixty (\$12,060) dollars; and,

WHEREAS, The decennial state board of equalization, which met immediately thereafter, by resolution duly recorded on its minutes, directed the auditor of said Hamilton county to deduct two per cent. of the total amount of the



appraisement, as equalized by the said county board of equalization, to obtain the taxable value of property in said city, in pursuance whereof the taxable value of said premises was eleven thousand eight hundred and twenty (\$11,820) dollars; and

WHEREAS, It appears by certificates from the county auditor of said county of Hamilton, that through a clerical error, the county auditor of said county placed the taxable value of said premises on the duplicate of said county at eighteen thousand eight hundred and twenty (\$18,820) dollars, and thereby the taxable value of said premises was erroneously increased in the sum of seven thousand (\$7,000) dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Hamilton county, Ohio, be and they are hereby authorized, upon satisfactory proof of such error, and proof that such error has not been corrected, and that the amounts paid by reason of such error have not been refunded, to order the auditor of said county to draw his warrant on the treasurer thereof in favor of John Curtis, John Reid, and the legal representatives of George Brown & Co., or their authorized agents, for the amount of erroneous or excessive taxes paid by said parties, respectively, for the years A. D. 1861 to 1871, inclusive, except so much thereof as has been paid into the state treasury, said order to be paid by the said treasurer out of the general fund of said Hamilton county.

SEC. 2. The auditor of said county, at his next semi-annual settlement, shall apportion the amount so refunded amongst the several funds, except the state fund, as is authorized by law in case of erroneous taxes.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 997.]

#### AN ACT

To authorize the city council of the city of Mt. Vernon, Knox county, to issue bonds for the purpose of providing said city with a system of public water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Mount Vernon, Knox county, be and the said city council is hereby authorized to issue the bonds of said city, in any sum not exceeding fifty thousand dollars (\$50,000), bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, for the purpose of providing said city with water-works.

SEC. 2. Said bonds shall be signed by the president of the city council and countersigned by the clerk of said city. They shall not be sold for less than their par value, and shall be issued in such amounts, respectively, as will in the judgment of said council, best subserve the negotiation and sale thereof; the principal shall be payable at such times as the council of said city may determine by ordinance, within a period not exceeding twenty years, and said city council is hereby authorized to levy a tax upon all the taxable property of said city to pay said bonds, not to exceed four (4) mills in any one year.

SEC. 3. The funds realized from the sale of said bonds shall be used by the council of said city for the purpose of constructing and paying for water-works for said city, which water-works, when completed, shall be used, operated, and controlled in such manner as may be prescribed by law and the ordinance of said city.

SEC. 4. The said city council and the treasurer of said city are hereby authorized to transfer to the water-works fund all moneys now on hand, or that may have been levied in said city for city prison purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 937.]

AN ACT

Authorizing the county commissioners of Sandusky county, Ohio, to levy an additional tax for county and poor purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Sandusky county, Ohio, be and they are hereby authorized in the years 1881 and 1882 to levy upon each dollar valuation of the taxable property of said county for county purposes, three-tenths of one mill, and for poor purposes two-tenths of one mill, in addition to the amount which is now or may hereafter be authorized to be levied for said purposes; the same to be entered upon the grand duplicate of said county and collected in the same manner as other taxes are collected.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 944.]

AN ACT

Authorizing commissioners of Scioto county to build certain free turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Scioto be and they are hereby authorized to levy a tax on the taxable property of the said county, sufficient to pay for

the construction of the following free turnpike, to wit: The Powellsville branch free turnpike on line heretofore viewed and surveyed; also the Rickey, Shearer, and Pool branch from A. D. Pool's to White Gravel school-house; also the Haverhill branch from the village of Haverhill north two miles in the direction of Ohio Furnace; also the branch from Jeanguenot's blacksmith shop in Brush township to Joseph Throckmorton's in Union township; also the West Union free turnpike from George Yeager's, in Nile township, in Scioto county, up the valley of Turkey creek to the Adams county line.

SEC. 2. The said commissioners may, if in their judgment it will best serve the interest of the tax payers of the county, divide the levy for the construction of roads, provided for in the preceeding section of this act, into three annual payments, and the whole shall be paid for as completed out of the levy provided for that purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 958.]

#### AN ACT

Amendatory of and supplementary to, an act passed and took effect April 13, 1880, entitled "an act to authorize certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes, and repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2, 3, 5, and 6 of the act which passed and took effect April 13, 1880, entitled "an act to authorize certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said township, and for other purposes," be so amended as to read as follows:

Section 2. That the taxes authorized to be levied shall be placed by the county auditor upon all the taxable property of the township, and collected by the county treasurer as other taxes, and when collected shall be paid to the treasurers of the townships from which the same was collected, and be under the control of the trustees thereof, for the purpose of paying the principal and interest of the said bonds, and for no other purpose. The money arising from the sale of said bonds shall be received and receipted for by the township treasurer, who shall be liable on his official bond for the same; provided, that before any such treasurer shall be entitled to demand and receive said money he shall give an additional bond in double the amount so received to the acceptance of the trustees of the townships, and the treasurer shall be entitled to receive as his fees on all moneys that come into his hands under the provisions of this act, one-half of one per cent., and no more, and in any township where there is no fire or burglar proof safe provided, the trustees may direct a deposit of said money in some safe place, with the consent of the township treasurer, but the treasurer shall not be released from liability on his official bond by reason of such deposit, and all such money shall be paid out on the order of the board of trustees, countersigned by the township clerk.

Section 3. The board of trustees shall, immediately upon the levy being made, designate the roads to be improved, and divide the same into convenient sections and appoint a competent surveyor or engineer, whose duty it shall be, under the direction of the board of trustees, to make a survey and level of the roads so selected, fix the grade of the road, and the grade and capacity of the drain, on the sides thereof, and the specifications of all bridges and culverts, and to fix the width of the graveled or macademized track, not less than ten feet nor more than sixteen feet, and the depth thereof not less than ten inches nor more than twelve inches in the center, and the slope from the center to the sides, and estimate the cost of construction of each section, drain and culvert, to superintend the letting and the building of the improvement, examine and accept the work when completed according to contract, and certify the work when accepted by him to the board of trustees who shall examine into the correctness of the certificate, and if found in all respects correct, shall confirm his act, and draw an order for the amount due for the work so completed as herein provided for. The engineer, before entering upon the discharge of his duties, shall give a bond in a sum to be fixed by and to the satisfaction of the board of trustees, with two or more sureties, and take and subscribe an oath of office; which shall be endorsed upon the bond and filed with the township treasurer.

Section 5. A majority of the board of trustees shall be necessary to confirm the report of the engineer and to order the said road improvement, or any part thereof, and the work of the construction of said road improvement shall be publicly let, the grading, graveling, or macadamizing, by sections as numbered, and the drains and culverts separately, to the lowest responsible bidder, by the engineer, subject to the approval of the trustees, who may reject any or all bids, after public notice of the time and place of such letting, for at least two weeks, in a newspaper of general circulation in the township or county, and by hand bills, or both, at the discretion of the board of trustees. The sections of said road herein provided for shall be numbered by the engineer, consecutively, from a point designated as a starting point, to the termination. The specifications of the work shall be furnished by the engineer to each contractor for the work contracted to be performed by him. The grading, graveling, or macadamizing of each section, the culvert draining, shall be separately stated in the bids, and each contractor shall give bond and security, to the acceptance of the board of trustees, for the performance of his contract, and which shall be examined and approved as hereinbefore provided.

Section 6. The trustees for services rendered under the provisions of this act, shall be entitled to receive for each day actually employed one dollar and fifty cents, and the trustees shall provide for the use of the township clerk a suitable blank book in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, together with the reports of the engineer, and all estimates by him made as confirmed by the trustees, and the specifications of the roads drains, and culverts, and other improvements, and the township clerk for making said record shall be entitled to receive ten cents per hundred words, and for all the other services such reasonable compensation as may be allowed by the board of trustees. The engineer shall be entitled to receive four dollars per day for the time actually employed in the proper discharge of his duty under the provisions of this act. The fees of all the township officers and of the engineer shall be paid out of the township road fund on the order of the board of trustees, countersigned by the township clerk.

Sec. 7. The roads graveled or macadamized under the provisions of this act,

shall be free to the public travel and shall be kept in repair by the trustees out of the funds that come into the township treasury from the county treasurer as provided in section one thousand four hundred and fifty-nine (1459) of the revised statutes of Ohio.

SEC. 8. The provisions of this act shall apply to the improvements located, or in process of construction at the time the same takes effect; provided, that nothing in this act shall be so construed as to invalidate any contract made under the act to which this act is amendatory.

SEC. 9. That original sections two, three, five, and six be and the same are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 19, 1881.

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[House Bill No. 987.]

#### AN ACT

To divide Ward township, in Hocking county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Ward, in the county of Hocking, be and the same is hereby divided into two election precincts, as follows: The first shall be called Carbon Hill precinct, and shall include sections thirteen (13), fourteen (14), fifteen (15), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), and the voting place shall be in Carbon Hill. The second shall consist of the balance of the territory of said township, and be known as Murry City precinct, and the voting place shall be Murry city.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

# JOINT RESOLUTIONS.

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[House Joint Resolution No. 64.]

## JOINT RESOLUTION

Relating to the appointment of committee to wait on the governor.

*Resolved*, That a committee of three, on the part of the house, and two on the part of the senate, be appointed to wait upon the governor to inform him that the General Assembly is now in session, and ready to receive any communication he may make.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 8, 1881.

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[Senate Joint Resolution No. 55.]

## JOINT RESOLUTION

Relative to appointing a joint committee to investigate the management of the reform school at Lancaster, Ohio.

WHEREAS, Certain grave charges have been made reflecting upon the past management of the Ohio reform school at Lancaster, Ohio, therefore; be it

*Resolved by the General Assembly of the State of Ohio*, That a committee be appointed consisting of two on the part of the senate, and three on the part of the house, with power to send for persons and papers to investigate said charges and report its findings to this general assembly.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 14, 1881.

[House Joint Resolution No. 66.]

## JOINT RESOLUTION

Relative to the election of United States senator to succeed Hon. James A. Garfield.

WHEREAS, James A. Garfield, who has been by this general assembly elected to be a senator in the congress of the United States, for the term of six years from and after the fourth day of March, 1881, has declined to accept said election and office, and renounced the same, therefore; be it

*Resolved by the General Assembly of the State of Ohio*, That both houses, on the eighteenth day of January A. D. 1881, at 11 o'clock A. M., proceed in manner and form prescribed by act of Congress, approved July 25, 1866, to elect a person in place of the said James A. Garfield, and that on the day following said 18th day of January 1881, said two houses convene in joint assembly, and have such proceedings to complete and perfect said election as is provided in said act for the election of United States senator in ordinary cases.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 A. HICKENLOOPER,  
*President of the Senate.*

Adopted January 18, 1881.

[House Joint Resolution No. 67.]

## JOINT RESOLUTION

Arranging to attend the inaugural of General Garfield.

*Resolved*, That a committee of five on the part of this house, and three on the part of the senate, be appointed to confer with his excellency the governor, to take into consideration the invitation to the general assembly transmitted by the governor, to be present at the inaugural ceremonies of president-elect Gen. Garfield, and that the joint committee shall make, if practicable, arrangements for this general assembly to be present at the inaugural ceremonies.

*Resolved*, That the committee shall report to this house, from time to time, informing it of all arrangements made.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 26, 1881.

[House Joint Resolution No. 75.]

## JOINT RESOLUTION

Providing for the printing of extra copies of House Bills Nos. 521 and 543

*Resolved by the General Assembly of the State of Ohio,* That the clerk of the house be directed to have 600 copies of house bill No. 521, and 400 copies of house bill No. 543, printed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 26, 1881.

[House Joint Resolution No. 77.]

## JOINT RESOLUTION

Relating to the admission of Hattie S. Clifford into the central asylum for the insane.

WHEREAS, Miss Hattie Clifford, who is an insane person, and who was formerly an inmate of Danville lunatic asylum, located at Danville, in the state of Pennsylvania, and from which she was discharged during the past summer; and,

WHEREAS, Her parents are now residents of the city of Columbus, Franklin county, and state of Ohio; and,

WHEREAS, Since her discharge from said asylum at Danville, her condition has not improved, and she is still insane and often almost uncontrollable and is cared for at the house of her parents; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the central asylum for the insane be and he is hereby authorized and directed to admit Hattie S. Clifford into the said Asylum, upon the usual proceedings being had as required by law for the admission of patients, except as to her place of residence.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 31, 1881.

[Senate Joint Resolution No. 64.]

## JOINT RESOLUTION

Relative to admitting Frank Gilmore into Athens asylum for the insane.

WHEREAS, Frank Gilmore, a former resident of the state of West Virginia, and who has been a resident of Washington county for the last five months only,



and has been arrested for a crime, and is confined in jail in said county, and has not been indicted, and cannot be for several months, and since his incarceration has become a raving maniac, and, unless soon treated therefor, will in all probability die, or become permanently insane; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of Athens asylum for the insane, be and he is hereby authorized and required to receive said Frank Gilmore as a patient into said asylum.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1881.

[Senate Joint Resolution No. 62.]

#### JOINT RESOLUTION

~~Relative~~ to the printing of 500 additional copies of the memorial of the state bar association.

*Resolved by the General Assembly of the State of Ohio,* That there be printed for the use of the senate and house of representatives five hundred additional copies of the memorial of the state bar association presented on yesterday, relative to the reorganization of the supreme court, etc.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1881.

[Senate Joint Resolution No. 50.]

#### JOINT RESOLUTION

To admit the children of David I. Devore into the soldiers' and sailors' orphans' home.

WHEREAS, That David I. Devore was at the beginning of the war of 1861, a native born citizen and resident of Darke county, Ohio; that he volunteered and went into the service at the call of the President in August, 1862, and faithfully served in company I, of the 40th Ohio regiment, from that time until he received an honorable discharge at the close of the war; and,

WHEREAS, The said David I. Devore having removed from Darke county, Ohio, into Randolph county, Indiana, where he afterwards died on the 17th of December, 1875, and but little over one year thereafter his wife died, leaving a helpless family of four children aged, respectively, at this date, five, nine, eleven, and thirteen years; and,

WHEREAS, The said children are now dependent upon charitable friends, unable to look after and care for their future welfare, and application having

been made for their admission to the orphans' home at Terre Haute, Indiana, and at Xenia, Ohio, and being rejected, in the former because an Ohio soldier, and in the latter because at the time of his death he was a citizen of Indiana; therefore, be it

*Resolved by the General Assembly of the State of Ohio, That the officers of the soldiers' and sailors' orphans' home be and they are hereby required to receive the said children of David I. Devore, deceased, into said institution, when it can be done without injustice to other applicants for admission from counties which have no excess of their quota of inmates as provided by law.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1881.

[Senate Joint Resolution No. 49.]

#### JOINT RESOLUTION

Relative to counting the vote for state officers.

*Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in the hall of the house of Representatives, on Wednesday, the 5th day of January, at 11 o'clock a. m., and count the vote for state officers.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 5, 1881.

[Senate Joint Resolution No. 53.]

#### JOINT RESOLUTION

Relative to binding the report of the commissioner of common schools.

*Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be directed to have the report of the commissioner of common schools, for 1880, bound in muslin.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 5, 1881.

[Senate Joint Resolution No. 60.]

## JOINT RESOLUTION

Providing for printing sixteen thousand additional copies of report of secretary of state for 1880.

*Be it resolved by the General Assembly of the State of Ohio,* That there be printed sixteen thousand additional copies of the report of the secretary of state for the fiscal year 1880, for the use of, and to be equally distributed to the members of the present general assembly. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of the general assembly, what number of such reports he shall be entitled to receive, he wishes in the German language. The aggregate number so determined shall be the number authorized to be printed in German, and they shall be distributed accordingly; provided, that in the printing of the additional copies herein provided for, there shall be no charge for composition, and the supervisor of public printing is hereby directed to have the copies of said report, provided for herein, and also those provided for by law, bound in muslin in the usual manner.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 5, 1881.

[House Joint Resolution No. 73.]

## JOINT RESOLUTION

Relating to paying taxes on Virginia military lands.

*Resolved by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized to insert a notice in two newspapers of opposite politics published in the counties having Virginia military school lands undisposed of, directing the mode and manner of paying the interest due thereon to the state; and to pay for the same the usual fees fixed by law for similar advertisements, after the bills for the same have been approved by the supervisor of public printing.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 8, 1881.

[House Joint Resolution No. 90.]

## JOINT RESOLUTION

Relative to loaning battle flags and standards to the Mexican veteran war association

WHEREAS, The national Mexican war association meets in the city of Louisville on the 22d day of February, 1881; and,

WHEREAS, The veteran Mexican war association of Cincinnati proposes to engage in the festivities of that occasion ; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the adjutant-general be and is hereby authorized to deliver to the person authorized by said association any battle-flags or standards born by the soldiers of Ohio, in the late war with Mexico, to be used on the 22d of February at Louisville ; provided, that the adjutant-general shall take satisfactory security for the safe return of said flags and property in good condition without expense to the state.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted February 8, 1881.

[House Joint Resolution No. 84.]

# JOINT RESOLUTION

To provide for the sale of old books in the packing room of the state house.

WHEREAS, The packing room of the state house is encumbered by a large quantity of old books and publications, many of which are worthless and in bad condition, emitting poisonous gases which infect the atmosphere of the state house ; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the secretary of state be and he is hereby instructed to furnish and deliver to each of the benevolent, penal, reformatory, and educational institutions of the state, and to such other educational institutions, or public libraries, as may call for them, a full set, or as nearly as may be, of the state executive, legislative, and other documents, from the organization of the state to and including the year 1881, and to sell as old paper, to the best advantage to the state, all such other books and publications in the packing room connected with his office, as may be condemned for that purpose as worthless by the joint action of the standing committee upon public buildings and lands of this general assembly, and to turn over to the treasurer of state all moneys he may receive therefor, as provided by law, and make report of the same in his annual report, and the said committees are hereby instructed to examine such books and periodicals, and to set apart such as they may deem worthless, and the books and publications thus set apart shall be disposed of as aforesaid.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

A. HICKENLOOPER,

*President of the Senate.*

Adopted February 15, 1881.

[House Joint Resolution No. 86.]

## JOINT RESOLUTION

Providing for the printing of additional copies of the report of auditor of state.

*Resolved by the General Assembly of the State of Ohio*, That the supervisor of public printing be and is hereby directed to cause to be printed, and bound in cloth, three thousand additional copies of the report of the auditor of state for distribution by the auditor of state.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Adopted February 15, 1881.

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[House Joint Resolution No. 97.]

## JOINT RESOLUTION

Authorizing the printing additional copies of the list of members and officers of the present general assembly.

*Resolved by the General Assembly of the State of Ohio*, That the clerks of the senate and house of representatives be and they are hereby directed to have printed five hundred (500) additional copies of the list of members and officers for the use of their respective houses.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 18, 1881.

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[House Joint Resolution No. 83.]

## JOINT RESOLUTION

Relating to omitting certain reports from the executive documents.

*Be it resolved by the General Assembly of the State of Ohio*, That the supervisor of public printing be and he is hereby directed to omit from the volumes of executive documents to be published, the report of the secretary of state, the report of the commissioner of common schools, and the report of the railroad commissioner.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 18, 1881.

[House Joint Resolution No. 96.]

## JOINT RESOLUTION

To procure the publication of the so-called St. Clair papers.

WHEREAS, By authority of a resolution adopted during the session of the state legislature of 1870, the governor and state librarian purchased, at a cost of two thousand dollars, the correspondence, documents, and manuscripts generally of Arthur St. Clair, governor of the north-west territory for fourteen years, from 1788 to 1802, and

WHEREAS, These manuscripts are now the property of the State, and are of great historical value, and

WHEREAS, The said manuscripts are in danger of being destroyed or carried off piecemeal by seekers after literary curiosities; and that said papers may be preserved and made more accessible for consultation, and historical purposes; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the board of library commissioners be and they are hereby required to procure the publication, in such form as they may see fit of the so called St. Clair papers, and purchase 500 copies of the same for the state, of which 100 copies shall be deposited in the state library for exchanges, and one copy distributed to each member and officer of the present general assembly, and one copy to each state officer; and the balance of said copies shall be kept in the state library, under the control of the library commissioners for such disposal as the legislature may hereafter direct; said original papers shall not be taken or removed from the library, and the board of library commissioners is hereby authorized to make the necessary arrangements for copying the same in the library.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 21, 1881.

[House Joint Resolution No. 104.]

## JOINT RESOLUTION

Relative to the binding of the code.

WHEREAS, The enrolled copy of the act entitled "an act to revise and consolidate the general statutes of Ohio, passed June 23, 1879, and popularly known as the "Code," is bound as one act, and in such shape as to be inconvenient for reference, on account of its great size and weight; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized and required to have the several parts of said act, to

wit; part I, political, part II, civil, part III, remedial, and part IV, penal, bound separately, said binding to be substantial, and to be done at the state bindery.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 A. HICKENLOOPER,  
*President of the Senate.*

Passed February 24, 1881.

[Senate Joint Resolution No. 54.]

# JOINT RESOLUTION.

Relative to printing copies of the journal of the board of equalization.

*Resolved by the General Assembly of the State of Ohio,* That there be printed and bound, in the same manner as the senate and house journals, two thousand copies of the journal of the board of equalization of 1880-81, including the abstracts returned by the county boards, and equalized by said boards, and the aggregate for the years 1846, 1853, 1859, and 1870-71. Such documents shall be distributed as follows: Two hundred copies to the state library, fifty of which shall be laid aside and kept expressly for the use of the board of equalization of 1890, three copies each to the auditors of the several counties of the state, for use in their respective offices; three copies each to the members and officers of the present general assembly, ten copies to each member of the board of equalization, three hundred copies in the office of the auditor of state, and the balance in the office of the secretary of state. These documents to be transmitted by the secretary of state, from the fund for distribution of the laws and journals, to those entitled to receive them.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 1, 1881.

[Senate Joint Resolution No. 68.]

# JOINT RESOLUTION

Relative to mounting maps for members of assembly.

*Be it resolved by the General Assembly of the State of Ohio,* That the secretary of state be authorized to have mounted, not to exceed five of the geological maps

of Ohio, for each member of the general assembly, and one to each officer of the house and senate.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 1, 1881.

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[House Joint Resolution No. 107.]

JOINT RESOLUTION

Relative to the admission of George W. Dixon into the Athens asylum for the insane.

WHEREAS, George W. Dixon, at present in Highland county, Ohio, but who enlisted at Columbus, in 1864, in the 12th Ohio cavalry, and served throughout the remainder of the war, when he was honorably discharged, and who for many years before and since that time has been a wanderer through several states, except during such times as he has been an inmate of asylums or penitentiaries in Illinois, or Ohio, is subject to fits of insanity, during the continuance of which he is unfit to be at large.

WHEREAS, The said George W. Dixon when sane, which is the greater part of the time, realizes that the proper place for him to be is in an asylum, and is an industrious, skillful and obedient laborer; and,

WHEREAS, The apportionment for said Highland county in the Athens asylum for the insane is now full, and the said George W. Dixon cannot justly be considered a citizen of said county; therefore,

*Resolved by the General Assembly of the State of Ohio,* That after the said George W. Dixon shall have been duly adjudged insane according to law, the superintendent of said Athens asylum be and is hereby authorized and required to receive him as a patient into said asylum, and retain him therein until said superintendent shall be clearly of the opinion that said patient is permanently cured, and said George W. Dixon shall not be charged to the apportionment for said Highland county in said asylum.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Adopted March 9, 1881.

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[House Joint Resolution No. 102.]

JOINT RESOLUTION

Authorizing the auditor of state and treasurer of state to credit the canal fund on their books with \$13,970.50, and charge sinking fund with \$13,970.50.

WHEREAS, On the 15th day of November, A. D. 1880, it was ascertained that the net annual income from the public works was \$13,970.50; and,



WHEREAS, In ascertaining said net annual income, no account was taken of a liability of \$18,820.00, which then existed against the board of public works, and which amount said board has been since commanded by the supreme court of Ohio to pay; and,

WHEREAS, There was not in fact any net annual income from the public works upon the 15th day of November, 1880; and,

WHEREAS, Acting under such misapprehension of facts, the sum \$13,970.50 was transferred from the canal fund to the sinking fund; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the auditor of state, and treasurer of state be and hereby are authorized to correct such error by crediting the canal fund upon their books with the sum of \$13,970.50 and, charging the sinking fund with the sum of \$13,970.50.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
A. HICKENLOOPER,  
*President of the Senate.*

Adopted March 9, 1881.

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[House Joint Resolution No. 80.]

JOINT RESOLUTION

Authorizing judicial inquiry into the grant of the berme bank of the Miami and Erie canal.

WHEREAS, The board of public works did, on January 4, 1881, attempt to enter into a contract with the Cincinnati central railway company, attempting to grant to them the exclusive right of way along and on the berme bank of the Miami and Erie canal, from or near what is known as the six-mile stone, and continuing thereon as far east as Broadway street in the city of Cincinnati; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the attorney-general is hereby directed to commence proceedings in quo warranto, or other proper suit in the supreme or other court of competent jurisdiction, to determine the validity of said contract, and he is also hereby directed to embody or cause the same to be done, a statement to the court setting forth that the public interests require that the suit be taken out of its order on the docket, and assigned for trial at as early a day as practicable.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1881. 1

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[House Joint Resolution No. 106.]

JOINT RESOLUTION

Relative to the distribution of the geological atlas of Ohio.

WHEREAS, Five thousand copies of sections of the geological atlas of Ohio are now in the possession of the secretary of state; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be, and he is hereby instructed to distribute said copies of sections of the geological atlas of Ohio, as follows; to wit:

*First.* That he set aside three hundred copies to be by him, from his office, directly distributed among the people.

*Second.* To his excellency the governor of Ohio, fifty copies.

*Third.* To the state librarian, for use and benefit of the state library, one hundred copies.

*Fourth.* To each officer of the present senate and house of representatives, one copy.

*Fifth.* That he distribute the residue thereof, equally among the members of the present general assembly, and box and ship the same to their respective places of residence, the expense thereby incurred to be paid out of the fund provided for the distribution of laws, journals, and public documents.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 16, 1881.

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[Senate Joint Resolution No. 66.]

#### JOINT RESOLUTION

Requiring the adjutant-general to keep in repair the electric gas lighting apparatus.

*Be it resolved by the General Assembly of the State of Ohio,* That the adjutant general be required to take charge of and keep in repair the electrical gas lighting apparatus in the halls of the senate and house of representatives.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted March 16, 1881.

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[House Joint Resolution No. 82.]

#### JOINT RESOLUTION.

Relative to assignment of classes of pupils from the deaf and dumb institution to learn the trade of book binding at the state bindery.

*Resolved by the General Assembly of the State of Ohio,* That the trustees and superintendent of the deaf and dumb institution be and they are hereby required to continue the class or classes of pupils detailed for instruction in the trade of book-binding for a period of not less than one year, or until the supervisor of public printing certifies that in his opinion no good will result from

their being longer continued under such instruction, or that the said pupils have acquired the trade of book-binding, or so much thereof as will enable the members of the classes aforesaid to earn a living at the said occupation of book-binding on their discharge from the institution.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted March 17, 1881.

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[House Joint Resolution No. 105.]

JOINT RESOLUTION

Requesting senators and representatives in congress of the United States to use their influence against the re-issuing of a certain patent.

WHEREAS, A patent, No. 48,009, has heretofore been granted to John A. Cumming, and subsequently said Cumming sold his interest in said patent to a company known as the Goodyear Dental Vulcan company; and

WHEREAS, the term for which the said patent No. 48,009 was granted expires during the year 1881, the said Goodyear Dental Vulcan company has made application to the congress of the United States for a renewal of the said patent 48,009; and

WHEREAS, A further continuance of the patent would be not only unjust but positively oppressive to the public who should now have the full and free use of said improvements; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That our senators and representatives in congress be requested to use their influence and vote against any bill authorizing the removal or reissuing letters patent for the John A. Cumming's patent No. 48,009.

*Resolved,* That the governor of the state of Ohio be requested to transmit a certified copy of these resolutions to each of the senators and representatives in congress from Ohio.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 17, 1881.

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[Senate Joint Resolution No. 78.]

JOINT RESOLUTION

Relative to placing Andrew King into the Athens asylum for the insane.

WHEREAS, Andrew King, an insane person aged about twenty-five years, was recently found in a helpless condition in Belmont county, Ohio, and

WHEREAS, The probate judge of said county refuses to hear an application to have said Andrew King adjudged insane, for the reason that no evidence can be obtained to show that he is a citizen of said county, and

WHEREAS, The infirmity directors of said county, who now have the care of said insane person, and also the probate judge of said county have petitioned the general assembly for authority to have him adjudged insane, without proof of residence, and placed in the proper asylum of the state; therefore,

*Resolved by the General Assembly of the State of Ohio,* That after the said Andrew King shall have been adjudged insane according to law, the superintendent of the Athens asylum be and is hereby authorized and required to receive him as a patient into said asylum, and retain him therein until said superintendent shall be clearly of the opinion that said patient is permanently cured.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 23, 1881.

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[House Joint Resolution No. 103.]

#### JOINT RESOLUTION

Relative to occupancy of the road-bed of the Ohio railroad company by the Lake Erie and Western railroad company.

WHEREAS, The Lake Erie and Western railroad company are now using and occupying the road-bed and right of way of the Ohio railroad company, owned by the state of Ohio, between Sandusky city and Fremont; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the house and three on the part of the senate be appointed who shall enquire into the facts relative to the use and occupancy of said road-bed by said company, and what rights, if any, of the state have been impaired thereby, and what action should be taken on the part of the state to protect and maintain its rights therein. That said committee have full power to send for persons and papers, and that they report the same to the general assembly.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 22, 1881.

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[House Joint Resolution No. 115.]

#### JOINT RESOLUTION.

For the admission of Ann Romanes in the Columbus asylum for insane.

WHEREAS, Ann Romanes, having been adjudged insane by the probate court of Franklin county, and regularly committed to the care of the Columbus asylum, was refused admittance to said asylum on the ground that she was a non-resident of the state; and

WHEREAS, Said Ann Romanes is now an inmate of the Franklin county infirmary, her residence in the city of Columbus for fourteen months having been certified by the infirmary physician of said city; and

WHEREAS, Said infirmary is without proper facilities for the care or proper medical treatment of said patient; therefore, be it

*Resolved*, That the superintendent of the Columbus asylum for the insane be and is hereby authorized to receive into said asylum the said Ann Romanes, and take charge of her until such time as in the opinion of said superintendent her condition and the public safety will admit of her discharge.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 22, 1881.

[House Joint Resolution No. 118.]

#### JOINT RESOLUTION

Relative to appropriations of Longview asylum.

WHEREAS, The district court of Hamilton county has ousted the three trustees of Longview asylum appointed by the commissioners, the probate judge and common pleas judges of Hamilton county, from performing the duties of their office; and

WHEREAS, The necessities of said institution demand the immediate use of the moneys appropriated by this general assembly for that purpose; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the auditor of state be, and is hereby directed to draw his warrant upon the state treasurer for any moneys heretofore, or to be hereafter appropriated by this general assembly for the support of said Longview asylum, upon the requisition of the two trustees heretofore appointed by the governor, by and with the advice and consent of the senate and of its superintendent.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 23, 1881.

[House Joint Resolution No. 114.]

#### JOINT RESOLUTION

Authorizing the printing of additional copies of the fourth annual report of the bureau of labor statistics in the English and German languages.

*Resolved by the General Assembly of the State of Ohio*, That there be printed three thousand (3,000) additional copies of the fourth annual report of the

bureau of labor statistics for the use of the general assembly, and that fifteen hundred (1,500) additional copies of said report be printed in the German language for the use of such members of the general assembly as may desire them.

THOS. A. COWGILL,  
*Speaker of the House of Representatives,*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 24, 1881.

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[House Joint Resolution No. 110.]

JOINT RESOLUTION.

Relative to the zoological and botanical surveys of Ohio.

WHEREAS, volume four on zoology and botany was presented to the legislature, ordered printed, and the printing begun, but for some reason unknown to this house the work of printing has been suspended,

*Resolved*, That a committee of three on the part of the house and two on the part of the senate be appointed to investigate and enquire into the cause of delay, and take such steps as will result in the speedy issue of said volume, and report the results of their investigation to the general assembly at as early a day as practicable.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 23, 1881.

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[House Joint Resolution No. 122.]

JOINT RESOLUTION

Providing the inspector of mines with certain instruments for the use of his office.

*Resolved by the General Assembly of the State of Ohio*, That the inspector of mines be furnished, for the use of his office, with one aneroid barometer and one hand level, which were used by the state geologist in the late geological survey, and that the president of the state university be hereby directed to furnish such instruments to the inspector of mines.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 6, 1881.

[Senate Joint Resolution, No. 73]

## JOINT RESOLUTION

Authorizing the state librarian to sell certain surplus reports and documents.

*Resolved by the General Assembly of the State of Ohio,* That the state librarian be and he is hereby authorized to sell all surplus reports and documents in the document rooms of the library, not desired for distribution, and to apply the proceeds to the assorting and arranging of the reports and papers which he may select to remain in said rooms; and that he distribute the extra copies of report of labor statistics of 1878 and report of centennial commission to the members and officers of the present general assembly.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 8, 1881.

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[Senate Joint Resolution, No. 70.]

## JOINT RESOLUTION

Instructing supervisor of public printing to have bound three hundred copies of adjutant-general's report for the year ending November 15, 1880.

*Be it resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be and he is hereby instructed to have three hundred copies of the adjutant-general's report for the year ending November 15, 1880, bound in cloth, for the use of the adjutant-general and the Ohio national guard.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 12, 1881.

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[Senate Joint Resolution No. 71.]

## JOINT RESOLUTION

Directing the trustees of the Cincinnati Southern railroad to pay certain moneys.

*Be it resolved by the General Assembly of the State of Ohio,* That the trustees of the Cincinnati southern railway be and are hereby directed to pay to James P. Kilbreth, Frederick J. Mayer, and Charles W. Rowland, each and severally,

the sum of two thousand five hundred dollars (\$2,500) as compensation for services rendered the city of Cincinnati in investigation of the affairs of said trustees, and report upon the same.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 15, 1881.

[Senate Joint Resolution No. 83.]

#### JOINT RESOLUTION

Directing secretary of state to box and ship certain public documents to the address of the members of the general assembly.

*Be it resolved by the General Assembly of the State of Ohio,* That the secretary of state be and he is hereby directed to have boxed up the statistical reports of the secretary of state and such other public documents and reports to which the members of the general assembly are entitled, and ship the same to the address of the several members, respectively, and the secretary of state is hereby directed to prepay the charges for shipping the same out of the amount appropriated for the distribution of public documents, and take vouchers for the same.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 15, 1881.

[Senate Joint Resolution No. 85.]

#### JOINT RESOLUTION

Relative to binding copies of the catalogue of the law library.

*Be it resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be and he is hereby directed to have bound in cloth the three hundred copies of the catalogue of the law library, heretofore ordered by the general assembly, and deliver the same to the law librarian, who is ordered to distribute the same as the judges of the supreme court shall direct.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 18, 1881.



[Senate Joint Resolution No. 87.]

## JOINT RESOLUTION

Authorizing adjutant-general to loan the flags and relics of the late war to the loan exhibition at Bellaire, Ohio.

*Be it resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and he is hereby authorized to loan to the managers of the loan exhibition at Bellaire, Belmont county, Ohio, for the benefit of the soldiers' monumental association of said county, under such reasonable regulation as he may prescribe, the flags and other relics of the late war, now in his custody, and which can safely be removed, first taking proper security for their safe return.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 18, 1881.

[Senate Joint Resolution No. 86.]

## JOINT RESOLUTION

Relative to the admission of Sarah M. Curran into the Cleveland asylum for the insane.

WHEREAS, Mrs. Sarah M. Curran, now living in Marlborough, Stark county, Ohio, who has temporarily resided for some years in San Francisco, California, is in a condition of insanity, which threatens to become incurable unless speedily treated; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the superintendent and trustees of the Cleveland asylum for the insane are hereby authorized and required to receive the said Mrs. Sarah M. Curran as a patient into the said asylum, upon the same terms as other patients of said county.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 18, 1881.

[House Joint Resolution No. 119.]

## JOINT RESOLUTION

Authorizing the governor to appoint a commissioner to act on the part of the state in the adjustment and settlement of claims against the general government.

WHEREAS, There has not been a final adjustment of the claims of the state against the general government, arising out of the original swamp land grant of

September 28, A. D. 1850, and the indemnity acts of March 2, A. D. 1855, and March 3, A. D. 1857 ; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the governor be and hereby is authorized to appoint a commissioner to act on the part of the state in the adjustment and settlement of those claims. That it shall be the duty of said commissioner to obtain for the state, patents to all such lands as have not heretofore been patented, to make a record of the swamp land sections of the state, to settle, adjust, and obtain for the state all cash or land indemnities, due and belonging to the state from the general government, and to perform such other duties in regard to the claims of the state against the general government as the governor may direct. That said commissioner shall receive for his services a percentage of moneys recovered in the prosecution of said claims and percentage, to be fixed by the governor, not exceeding that allowed the agents of other states.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 20, 1881.

[House Joint Resolution No. 123.]

#### JOINT RESOLUTION

Relative to the loan of guns and accouterments of the O. N. G.

*Resolved by the General Assembly of the State of Ohio,* That the officers of the 8th regiment, O. N. G., be and they are hereby authorized to allow the arms and accouterments of the state now in their hands, to be used at a celebration by the citizens, to be held at Canton, Ohio, July 4, 1881, under the auspices of Canton post No. 25, G. A. R. ; provided that such authorization shall not be construed to release said officers from responsibility under their bonds.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 19, 1881.

[House Joint Resolution No. 112.]

#### JOINT RESOLUTION

Empowering the board of public works to lease certain lots or pieces of land,

*Resolved by the General Assembly of the State of Ohio,* That the board of public works of the state may, in their discretion, lease certain lots or pieces of land owned by the state in connection with the public works, which are not now necessary for the purpose for which they were acquired, as follows :

Lot No. 49, Longworth's addition to Lockland; a triangular lot containing about one-twentieth of an acre, near the Miami stock yards, in the city of Cincinnati; a small piece of ground in the city of Dayton; a piece of ground in the city of Cleveland, not exceeding one quarter of an acre; a small triangular piece in the city of Chillicothe, not exceeding the fifth of an acre; numbers or description of which lots, or pieces of land, shall be obtained and inserted in the leases of the same, and said leases to run for the term, and to be upon the same general conditions as leases are now authorized by law to be made for lands leased in connection with water powers, except as to the rent to be paid, which shall be fixed by the board.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[Senate Joint Resolution No. 88.]

#### JOINT RESOLUTION

Fixing the time for sine die adjournment of the 64th general assembly.

*Resolved by the General Assembly of the State of Ohio,* That this general assembly will adjourn sine die on Wednesday, April 20, at 12 o'clock M.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 19, 1881.

[House Joint Resolution No. 128.]

#### JOINT RESOLUTION

Relative to printing for Ohio state board of agriculture.

*Resolved by the General Assembly of the State of Ohio,* That the necessary printing for the Ohio state board of agriculture, such as envelopes and letter-heads, circulars and pamphlets, including the monthly or quarterly crop reports shall be executed under the direction of the supervisor of public printing, and paid for out of the appropriation for state printing. The monthly or quarterly crop reports to be printed in advance of all other matter.

THOS. A. COWGILL,

*Speaker of the House of Representatives,*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 19, 1881.

[House Joint Resolution No. 181.]

## JOINT RESOLUTION

Relating to the transfer of Longview asylum to the state.

*Be it resolved by the General Assembly of the State of Ohio,* The supreme court is hereby directed to appoint a committee of three citizens of the state, one of whom shall be from Hamilton county, whose duty it shall be *and* [to] examine into and report to the governor before the next regular session of the legislature, of the facts as to the building of Longview asylum, and as to the support of the inmates thereof, the amounts which the state and the county respectively have paid to such building, and to the lands, betterments, and improvements connected therewith, the amounts which the state and county respectively have paid for the support of the inmates, the amounts which the state and county respectively would have paid to such building, lands, and betterments, improvements, and to such support, if the state had continued to support the insane of Hamilton county, in the same manner and on the same plan as the insane of the rest of the state have been supported, and such other facts as they, the said committee, may deem necessary to an intelligent, fair, and equitable transfer of said asylum to the state. It shall be the further duty of such committee to report upon what terms the said asylum may fairly, equitably and justly be transferred to the state, and what recommendation such committee would make for the adjustment of the differences concerning said asylum between the state and the county, and the disposition of said asylum.

*Be it further resolved,* That the state and the said county shall bear the expenses of such commission in equal shares.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 20, 1881.

[House Joint Resolution No. 129.]

## JOINT RESOLUTION

Relative to the care of the senate chamber and house of representatives.

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and he is hereby authorized and directed to employ Mr. Fred. Blinkner to take charge of the senate chamber and hall of the house and committee rooms thereto attached at the close of this session, and prepare the same for the meeting of the next general assembly, and pay him a reasonable compensation for said services out of the appropriation for the care of the state house.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 20, 1881.

[House Joint Resolution No. 99]

## JOINT RESOLUTION

Relating to the duty on foreign timber.

**WHEREAS**, The manufacturing interest of this country has rapidly developed, **and** the demand for timber and lumber increased as to threaten legislation upon **the** subject in several of the states, and particularly in Ohio, and to avoid the **entire** destruction of our timber, believe the duty on foreign timber should be **so** reduced as to induce the shipping of the same from foreign countries,

*Resolved by the General Assembly of the State of Ohio*, That our senators be **instructed** and our representatives in congress be requested to use all proper **measures** in their power to secure such modification of the revenue laws as will **encourage** the shipping of foreign lumber to this country and thereby save our forests from destruction.

*Resolved*, That the governor of this state be requested to forward to each of our senators and representatives in congress a copy of this resolution and preamble.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 20, 1881.

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SECRETARY OF STATE'S OFFICE,  
COLUMBUS, O, June 10, 1881.

I hereby certify that the foregoing general and local laws and joint resolutions are correctly copied from the original rolls on file in this office.

CHARLES TOWNSEND,  
*Secretary of State.*

[House Bill No. 858.]

## AN ACT

Supplementary to chapter four, title one, part four of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be and the same are hereby enacted as supplementary to chapter four, title one, part four of the revised statutes, with sectional numbering as follows, to wit:

Unlawful  
destruction or  
carrying away  
of timber.

Section 6860a. Whoever shall saw, bore, or cut down any timber, tree, or trees of whatever size, or any poles commonly called hoop poles, standing or growing upon the lands of another, or lands of the state of Ohio, or shall unlawfully take, carry, or haul away from the lands of another person, or lands of the state of Ohio, any timber, saw-logs, rails, rail cuts, tanbark, hoop-poles, railroad ties, hoops, staves, stave-bolts, or blocks, butts, or any timber of any value whatever, or shall unlawfully dig up, pluck off, or carry away from the lands of another person, any cultivated root or roots, plant or plants, fruit, or any other vegetable production or productions, with intent in each or any of the above cited cases to injure the owner of said lands in his property, or to defraud him or them, if the value of the property so severed or taken, is of the value of thirty-five dollars or more, shall be guilty of a felony, and be imprisoned in the penitentiary not more than three years nor less than one year, and shall pay the costs of prosecution. And, if any person shall be convicted of either or any of the offenses mentioned in this section, and the value of the property severed, or in any manner taken from the lands in violation of this section, shall be less than thirty-five dollars, he shall be guilty of a misdemeanor, and be fined in any sum not less than twice the value of the property severed, or carried away from lands as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and pay costs of prosecution.

Offense felony  
if value of  
timber thirty-  
five dollars  
and taken  
with intent to  
injure.

Unlawful to  
purchase tim-  
ber wrong-  
fully taken.

Section 6860b. Whoever shall buy any of the property mentioned in section 6860a, or any lumber, timber, bark, rails, hoops, or hoop-poles, railroad ties, made or taken, knowing that the same had been severed or taken from the lands of another, or from the lands of the state in violation of section 6860a, with intent to defraud the owner of such property, shall be fined not less than twice the value of the property bought or received as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the cost of prosecution.

Unlawful to  
saw logs un-  
lawfully taken  
from another.

Section 6860c. Whoever owning a saw-mill, stave, spoke, or other manufactory of wooden articles, or having charge or control thereof, or who may be working in, or running a saw-mill, stave, spoke, or other manufactory of wooden articles, shall saw, or knowingly permit to be sawed, or used in said manufactories, in said mills, or used in said manufactories, any timber, or logs, or other articles mentioned in this act, with intent thereby to injure

or defraud the owner or owners of said property, and knowing that said timber or logs had been severed or taken from the lands of another, or from the lands of the state of Ohio, in violation of the provisions of section 6860a, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twice the value of the lumber or timber sawed as aforesaid, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Section 6860a. The court trying any cause arising under the last four preceding sections, shall instruct the jury to find the value of the property severed or taken from the land, bought, received or sawed, or manufactured, as the case may be, in violation of any of the provisions of said sections, and shall render judgment against the party convicted for the amount of fine assessed and costs of prosecution, and the sheriff, or other officers collecting said judgment, shall, after paying all costs of prosecution, pay over to the owner of the said property severed or taken as aforesaid, twice the value thereof, as returned by the jury.

In trial of  
such offense  
jury to fix  
value of prop-  
erty taken.

SEC. 2. This act shall take effect and be in force on its passage.

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This act was passed by the general assembly April 12, 1881, as shown by the engrossed bill on file with the clerk of the house of representatives and the journals of the house and senate, but was not enrolled, signed, or filed in this office.

CHARLES TOWNSEND,  
*Secretary of State.*

## JUDGES OF THE COURT OF COMMON PLEAS—1880—1881.

| District. | Sub. div. | Counties.                                                                                           | Names and post-offices.                                         | Term.         |               |
|-----------|-----------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------|---------------|
|           |           |                                                                                                     |                                                                 | Commenced.    | Expires.      |
| 1         | {         | Hamilton ...                                                                                        | Fayette Smith, Cincinnati ....                                  | Dec. 2, 1878  | Dec. 2, 1883  |
|           |           |                                                                                                     | Fred. W. Moore, " ....                                          | Dec. 2, 1878  | Dec. 2, 1883  |
|           |           |                                                                                                     | Wm. L. Avery, " ....                                            | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Joseph Cox, " ....                                              | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Nicholas Longworth, " ....                                      | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Robert A. Johnston, " ....                                      | Nov. 6, 1876  | Nov. 6, 1881  |
| 2         | {         | Butler .....<br>Preble .....<br>Montgomery .....<br>Darke .....<br>Champaign .....<br>Miami .....   | Jacob Burnet, " ....                                            | Nov. 6, 1876  | Nov. 6, 1881  |
|           |           |                                                                                                     | Alex. F. Hume, Hamilton .....<br>Henderson Elliott, Dayton .... | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | David L. Meeker, Greenville..                                   | Nov. 6, 1876  | Nov. 6, 1881  |
|           |           |                                                                                                     | James A. Gilmore, Eaton .....                                   | May 13, 1873  | May 13, 1883  |
|           |           |                                                                                                     | Henry H. Williams, Troyt .....                                  | May 12, 1879  | May 12, 1884  |
|           |           |                                                                                                     | Wm. R. Warnock, Urbana .....                                    | Dec. 3, 1877  | Feb. 9, 1882  |
| 2         | {         | Warren .....<br>Clinton .....<br>Greene .....<br>Clarke .....<br>Shelby .....<br>Auglaize .....     | James M. Smith, Lebanon ....                                    | Nov. 3, 1879  | Nov. 3, 1884  |
|           |           |                                                                                                     | Azariah W. Doan, Wilmington ..                                  | Feb. 12, 1877 | Feb. 12, 1882 |
|           |           |                                                                                                     | James S. Goode, Springfield...                                  | Apr. 12, 1880 | Apr. 12, 1885 |
|           |           |                                                                                                     | James E. Hawes, Xenia .....                                     | Apr. 12, 1880 | Apr. 12, 1885 |
|           |           |                                                                                                     | James H. Day, Celina .....                                      | Feb. 9, 1879  | Feb. 9, 1884  |
|           |           |                                                                                                     | Charles M. Hughes, Lima .....                                   | Feb. 9, 1879  | Feb. 9, 1884  |
| 3         | {         | Allen .....<br>Van Wert .....<br>Paulding .....<br>Defiance .....<br>Williams .....<br>Fulton ..... | Selwyn N. Owen, Bryan .....                                     | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | John J. Moore, Ottawa .....                                     | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Putnam .....                                                    | May 10, 1879  | May 10, 1884  |
|           |           |                                                                                                     | Lucas .....                                                     | Nov. 11, 1878 | Nov. 11, 1883 |
|           |           |                                                                                                     | Ottawa .....                                                    | Oct. 24, 1879 | Oct. 24, 1884 |
|           |           |                                                                                                     | Sandusky .....                                                  | Feb. 9, 1880  | Feb. 9, 1885  |
| 4         | {         | Erie .....<br>Huron .....<br>Lorain .....<br>Medina .....<br>Summit .....<br>Cuyahoga ...           | John Mackey, Sandusky † .....                                   | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Birdseye W. Rouse, Toledo § ..                                  | May —, 1876   | May —, 1881   |
|           |           |                                                                                                     | Newell D. Tibballs, Akron * ..                                  | May 1, 1881   | May 1, 1886   |
|           |           |                                                                                                     | John C. Hale, Elyria .....                                      | May 1, 1881   | May 1, 1886   |
|           |           |                                                                                                     | Darius Cadwell, Cleveland....                                   | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | S. F. Williamson, " ....                                        | Feb. 9, 1879  | Feb. 9, 1884  |
| 4         | {         | Cuyahoga ...                                                                                        | Henry McK nney, " ....                                          | Nov. 1, 1880  | Nov. 1, 1885  |
|           |           |                                                                                                     | E. T. Hamilton, * .....                                         | Nov. 1, 1880  | Nov. 1, 1885  |
|           |           |                                                                                                     | Gershom M. Barber, ** .....                                     | Nov. 1, 1880  | Nov. 1, 1885  |
|           |           |                                                                                                     | Samuel B. Prentiss, " ....                                      | Nov. 1, 1880  | Nov. 1, 1885  |
|           |           |                                                                                                     | Allen T. Cowen, Batavia .....                                   | Feb. —, 1876  | Feb. —, 1883  |
|           |           |                                                                                                     | David Tarbill, Georgetown ....                                  | Feb. 9, 1877  | Feb. 9, 1882  |
| 5         | {         | Adams .....<br>Ross .....<br>Highland ....<br>Fayette ....                                          | Thad. A. Marshall, Chillicothe                                  | Feb. 9, 1879  | Feb. 9, 1884  |
|           |           |                                                                                                     | Samuel F. Steel, Hillsborough                                   | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                                                                                                     | Ace Gregg, Washington C. H..                                    | Nov. 1, 1880  | Nov. 1, 1885  |
|           |           |                                                                                                     |                                                                 |               |               |
|           |           |                                                                                                     |                                                                 |               |               |
|           |           |                                                                                                     |                                                                 |               |               |

\* Re-elected October, 1880.

† Elected to fill vacancy occasioned by death of George D. Burgess.

‡ Elected to fill vacancy occasioned by death of Cooper K. Watson.

§ Charles P. Wickham elected to succeed Birdseye W. Rouse.



## JUDGES OF THE COURTS OF COMMON PLEAS—1880—1881.

| District. | Sub. div. | Counties.       | Names and post-offices.          | Term.         |               |
|-----------|-----------|-----------------|----------------------------------|---------------|---------------|
|           |           |                 |                                  | Commenced.    | Expires.      |
| 5         | 3         | Franklin .....  | Ed. F. Bingham, Columbus ...     | May 11, 1878  | May 11, 1883  |
|           |           | Pickaway ...    | John L. Green, " .....           | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Madison .....   | Eli P. Evans, " .....            | May —, 1878   | May —, 1883   |
| 6         | 1         | Licking .....   | George Lincoln, London .....     | Feb. 9, 1880  | Feb. 9, 1885  |
|           |           | Knox .....      | Samuel M. Hunter, Newark ...     | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Delaware .....  | John Adams, Mt. Vernon .....     | Feb. 9, 1877  | Feb. 9, 1882  |
| 6         | 2         | Morrow .....    | Moses R. Dickey, Mansfield ...   | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Richland .....  | Thomas J. Kenny, Ashland ...     | Feb. 9, 1879  | Feb. 9, 1884  |
|           |           | Ashland .....   |                                  |               |               |
| 6         | 3         | Wayne .....     | Charles C. Parsons, Sr., Wooster | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Holmes .....    | C. F. Voorhees, Millersburg ...  | Feb. 9, 1878  | Feb. 9, 1883  |
|           |           | Coshocton ..    |                                  |               |               |
| 7         | 1         | Fairfield ....  |                                  |               |               |
|           |           | Perry .....     | Silas H. Wright, Lancaster ...   | Feb. 12, 1877 | Feb. 9, 1882  |
|           |           | Hocking .....   |                                  |               |               |
| 7         | 2         | Jackson .....   |                                  |               |               |
|           |           | Vinton .....    | John S. Freisner, Logan .....    | Dec. 1, 1879  | Dec. 1, 1884  |
|           |           | Pike .....      | J. J. Harper, Portsmouth .....   | Feb. 9, 1877  | Feb. 9, 1882  |
| 7         | 3         | Scioto .....    | James Tripp, Jackson C. H. ...   | Feb. 9, 1879  | Feb. 9, 1884  |
|           |           | Lawrence .....  |                                  |               |               |
|           |           | Gallia .....    |                                  |               |               |
| 8         | 1         | Meigs .....     | Samuel S. Knowles, Marietta..    | Feb. 9, 1878  | Feb. 9, 1883  |
|           |           | Athens .....    | Jos. P. Bradbury, Pomeroy ...    | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Washington ..   |                                  |               |               |
| 8         | 2         | Muskingum ..    |                                  |               |               |
|           |           | Morgan .....    | Wm. H. Frazier, Caldwell .....   | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Noble .....     | Wm. H. Ball, Zauesville .....    | Aug. 3, 1879  | Aug. 3, 1884  |
| 8         | 3         | Guernsey .....  |                                  |               |               |
|           |           | Belmont .....   | Wm. Okey, Woodsfield .....       | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Monroe .....    |                                  |               |               |
| 9         | 1         | Jefferson ..... |                                  |               |               |
|           |           | Harrison ....   | J. Patrick, Jr., N Philadelphia  | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Tuscarawas ..   |                                  |               |               |
| 9         | 2         | Stark .....     |                                  |               |               |
|           |           | Carroll .....   | Seraphim Meyer, Canton .....     | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Columbiana ..   | Peter A. Laubie, Salem * .....   | Nov. 1, 1880  | Nov. 1, 1885  |
| 9         | 3         | Trumbull .....  |                                  |               |               |
|           |           | Portage .....   | George F. Arrell, Youngstown†    | Sep. 20, 1880 | Feb. 9, 1883  |
|           |           | Mahoning .....  | Wm. T. Spear, Warren .....       | Oct. 31, 1878 | Oct. 31, 1883 |
| 10        | 1         | Geauga .....    |                                  |               |               |
|           |           | Lake .....      | Laban S. Sherman, Ashtabula.     | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           | Ashtabula ...   | H. B. Woodbury, Jefferson * ..   | Jan. 25, 1881 | Jan. 25, 1886 |
| 10        | 2         | Wood .....      |                                  |               |               |
|           |           | Hancock .....   | John McCauley, Tiffin .....      | Feb. 9, 1880  | Feb. 9, 1885  |
|           |           | Seneca .....    | Henry H. Dodge, Perrysburg..     | Feb. 1, 1878  | Feb. 1, 1883  |
| 10        | 3         | Hardin .....    |                                  |               |               |
|           |           | Crawford ...    |                                  |               |               |
|           |           | Marion .....    | Thomas Beer, Bucyrus .....       | Feb. 9, 1877  | Feb. 9, 1882  |
| 10        | 4         | Wyandot .....   |                                  |               |               |
|           |           | Union .....     |                                  |               |               |
| 10        | 5         | Logan .....     | John L. Porter, Marysville ..... | Feb. 9, 1877  | Feb. 9, 1882  |
|           |           |                 |                                  |               |               |

\* Re-elected October, 1880.

† Elected for unexpired term of Ezra B Taylor, resigned.

# TIMES OF HOLDING COURTS IN OHIO IN 1881.

## FIRST DISTRICT.

### *District Court.*

Hamilton, 1st Monday January, 1st Monday April, 1st Monday October.

### *Common Pleas.*

Hamilton, 1st Monday January, 2d Monday May, 1st Monday November.

## SECOND DISTRICT.

### *District Court.*

Butler, April 4; Clinton, May 2; Warren, May 23; Champaign, April 25; Montgomery, April 4; Clarke, April 4; Greene, May 2; Darke, May 2; Preble, April 25; Miami, May 16.

### *Common Pleas.*

Butler, January 10, June 6, October 17.  
Montgomery, January 10, May 30, October 17.  
Darke, January 10, June 6, October 17.  
Clinton, January 10, June 6, October 17.  
Warren, January 10, June 6, October 17.  
Clarke, January 10, June 6, October 17.  
Greene, January 10, June 6, October 17.  
Champaign, January 10, June 6, October 17.  
Miami, January 10, June 6, October 17.  
Preble, January 10, June 6, October 17.

## THIRD DISTRICT.

### *District Court.*

Allen, April 15; Auglaize, April 11; Defiance, March 28; Fulton, April 2; Henry, March 31; Mercer, April 13; Paulding, March 25; Putnam, April 20; Shelby, April 8; Van Wert, March 22; Williams, April 5.

### *Common Pleas.*

Allen, February 7, May 30, October 3.  
Auglaize, January 31, May 23, October 17.  
Defiance, January 4, April 26, September 20.  
Fulton, January 4; April 26; September 20.  
Henry, January 25, May 10, October 18.  
Mercer, February 21, June 13, December 5.  
Paulding, January 31, May 23, October 17.  
Putnam, February 21, May 30, November 14.  
Shelby, January 3, May 2, September 5.  
Van Wert, January 3, April 26, September 19.  
Williams, February 14, June 6, November 14.

## FOURTH DISTRICT.

*District Court.*

Erie, April 25; Huron, April 14; Lucas, March 14; Sandusky, April 4; Ottawa, April 28; Lorain, March 28; Medina, March 25; Summit, March 14; Cuyahoga, March 14, September 12.

*Common Pleas.*

Erie, January 31, May 23; October 24.  
 Huron, February 7, May 30, November 14.  
 Lucas, January 3, May 2, October 3.  
 Sandusky, January 3, April 25, September 26.  
 Ottawa, January 10, May 2, September 26.  
 Lorain, January 31, May 23, October 31.  
 Medina, January 10, May 9, October 17.  
 Summit, January 10, May 9, September 26.  
 Cuyahoga, January 3, May 2, September 12.

## FIFTH DISTRICT.

*District Court.*

Madison, March 15; Fayette, April 25; Clermont, September 26; Franklin, March 19; Adams, August 30; Highland, October 3; Pickaway, April 18; Brown, September 3; Ross, October 7.

*Common Pleas.*

Adams, January 4, May 3, September 6.  
 Clermont, February 1, May 24, October 18.  
 Brown, January 4, May 17, November 9.  
 Highland, January 4, May 3, October 19.  
 Ross, January 4, May 3, October 18.  
 Fayette, January 4, May 3, November 9.  
 Franklin, January 3, April 11, September 12.  
 Madison, February 8, June 8, November 22.  
 Pickaway, January 4, May 3, October 12.

## SIXTH DISTRICT.

*District Court.*

Delaware, July 5; Knox, July 5; Licking, July 18; Ashland, June 2; Morrow, June 20; Richland, July 18; Coshocton, June 6; Holmes, May 30; Wayne, June 13.

*Common Pleas.*

Delaware, January 3, April 5, October 17.  
 Knox, February 14, May 2, November 14.  
 Licking, January 10, April 5, October 17.  
 Ashland, March 7, August 22, November 14.  
 Morrow, February 7, May 2, October 17.  
 Richland, March 21, September 5, December 5.

Coshocton, February 8, April 5, October 18.  
 Holmes, January 10, March 7, September 5.  
 Wayne, February 14, August 22, November 28.

## SEVENTH DISTRICT.

*District Court.*

Washington, April 5; Gallia, April 15; Scioto, April 25; Perry, September 1; Hocking, September 9; Athens, September 13; Meigs, April 11; Lawrence, April 20; Pike, May 2; Fairfield, September 5; Jackson, May 3, September 20; Vinton, September 17.

*Common Pleas.*

Athens, February 14, June 6, November 8.  
 Fairfield, January 24, April 25, October 17.  
 Gallia, February 21, May 30, November 8.  
 Hocking, February 21, May 23, November 21.  
 Jackson, February 14, May 30, October 31.  
 Lawrence, March 1, June 7, November 15.  
 Meigs, January 31, May 9, October 18.  
 Perry, March 14, June 13, December 12.  
 Pike, January 31, May 16, October 18.  
 Scioto, January 31, May 9, October 17.  
 Vinton, January 10, April 25, October 4.  
 Washington, January 10, May 19, October 18.

## EIGHTH DISTRICT.

*District Court.*

Belmont, April 12; Jefferson, April 5; Harrison, September 1; Tuscarawas, September 5; Guernsey, September 9; Monroe, September 15; Noble, September 19; Morgan, September 22; Muskingum, September 26.

*Common Pleas.*

Muskingum, January 24, May 16, November 7.  
 Morgan, January 4, April 26, October 13.  
 Noble, January 18, April 26, October 18.  
 Guernsey, February 15, May 17, November 15.  
 Belmont, February 8, May 24, November 8.  
 Monroe, January 18, April 26, October 13.  
 Jefferson, March 1, May 31, November 29.  
 Tuscarawas, February 1, May 3, November 1.  
 Harrison, January 11, April 19, October 13.

## NINTH DISTRICT.

*District Court.*

Trumbull, April 4; Portage, April 18; Lake, March 14; Geauga, March 28; Ashtabula, March 21; Mahoning, March 14; Columbiana, April 4; Carroll, April 18; Stark, April 21.

*Common Pleas.*

Carroll, January 24, May 2, October 17.  
 Stark, January 17, May 16, October 17.

Columbiana, February 7, May 16, November 7.  
 Mahoning, January 10, May 2, September 5.  
 Trumbull, February 7, May 30, October 17.  
 Portage, January 10, May 2, September 5.  
 Lake, January 17, May 30, October 3.  
 Geauga, February 14, May 2, November 7.  
 Ashtabula, January 17, May 2, October 3.

TENTH DISTRICT.

*District Court.*

Crawford, March 24; Hardin, March 17; Hancock, April 5; Logan, March 14; Marion,  
 March 7; Union, March 9; Seneca, April 8; Wood, March 28; Wyandot, March 21.

*Common Pleas.*

Crawford, February 7, June 6, November 7.  
 Hardin, January 10, May 3, September 19.  
 Hancock, February 7, May 30, October 17.  
 Logan, February 7, May 24, October 18.  
 Marion, January 18, May 16, October 12.  
 Seneca, February 7, May 30, October 17.  
 Union, January 10, April 25, September 12.  
 Wood, January 10, May 3, September 19.  
 Wyandot, January 3, April 23, September 5.

OFFICE OF THE SECRETARY OF STATE, }  
 Columbus, O., April 25, 1881. }

I hereby certify that the above is correctly copied from the official lists returned to  
 this office.

[SEAL.]

CHAS. TOWNSEND,  
*Secretary of State.*

# APPORTIONMENT

OF THE STATE OF OHIO, FOR MEMBERS OF THE GENERAL ASSEMBLY, FOR  
THE FOURTH DECENNIAL PERIOD.

---

In conformity with the provisions of the constitution of the state of Ohio, we, Charles Foster, Governor; John F. Oglevee, Auditor of State; and Charles Townsend, Secretary of State, have ascertained and determined the ratio of representation in the General Assembly, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years within the next ensuing ten years, and do declare the same as follows:

The total population of the several counties of the state by the federal census, as ascertained by us, is three million one hundred and ninety-eight thousand one hundred and eighty-nine. The ratio for a representative is thirty-one thousand nine hundred and eighty-one; and for a senator ninety-one thousand three hundred and seventy-six.

The apportionment for the House of Representatives during the fourth decennial period, under the constitution, shall be as follows:

The counties of Adams, Allen, Ashland, Ashtabula, Athens, Auglaize, Brown, Carroll, Champaign, Clermont, Clinton, Coshocton, Crawford, Delaware, Erie, Fairfield, Fayette, Fulton, Gallia, Green, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Logan, Lorain, Madison, Marion, Medina, Meigs, Mercer, Miami, Monroe, Morgan, Morrow, Noble, Ottawa, Perry, Pickaway, Pike, Portage, Preble, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Union, Van Wert, Vinton, Warren, Williams, Wood, and Wyandot shall severally be entitled to one representative in each session of the decennial period.

The counties of Lucas and Stark shall each be entitled to two representatives in each session of the decennial period.

The counties of Butler, Clarke, Darke, Lawrence, Licking, Mahoning, Ross, Summit, Tuscarawas, Washington, and Wayne shall, severally, be entitled to one representative in each session, and one additional representative in the fifth session of the decennial period.

The counties of Belmont, Columbiana, Muskingum, and Trumbull shall, severally, be entitled to one representative in each session, and two additional representatives, one in the third and one in the fourth session of the decennial period.

The county of Franklin shall be entitled to two representatives in each session, and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Montgomery shall be entitled to two representatives in each session, and two additional representatives, one in the third and one in the fourth session of the decennial period.

The county of Cuyahoga shall be entitled to six representatives in each session of the decennial period.

The county of Hamilton shall be entitled to nine representatives in each session, and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The following counties, until they acquire a sufficient population to entitle them to elect separately, under the fourth section of the eleventh article of the constitution, shall form a district in manner following, to wit:

The counties of Defiance and Paulding one district, which district shall be entitled to one representative in each session of the decennial period.

The county of Geauga, having less than one half of a representative ratio of population, is as required by the constitution, attached to the county of Lake, which is the adjoining county having the least number of inhabitants. Said counties of Geauga and Lake, so attached shall be entitled to one representative in each session of the decennial period.

By the constitution the state is divided into thirty-three senatorial districts, as follows:

The county of Hamilton constitutes the first senatorial district; the counties of Butler and Warren, the second; the counties of Montgomery and Preble, the third; Clermont and Brown, the fourth; Green, Clinton, and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seventh; Lawrence, Gallia, Meigs, and Vinton, the eighth; Athens, Hocking, and Fairfield the ninth; Franklin and Pickaway, the tenth; Clarke, Champaign, and Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Union, Marion, and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Mckinnum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake, and Geauga, the twenty-fourth; Cuyahoga, the twenty fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third.

The following senatorial districts, to wit: the second, third, fourth, fifth, sixth, seventh, ninth, eleventh, twelfth, thirteenth, fourteenth, twentieth, twenty-first, twenty-second, twenty-third, and thirty-first shall each be entitled to one senator in each session of the decennial period.

The eighth, tenth, and thirtieth districts shall each be entitled to one senator in each session, and one additional senator during the fifth session of the decennial period.

The thirty second district shall be entitled to one senator in each session, and three additional senators, one in the first, one in the second, and one in the third session of the decennial period.

The twenty fifth and thirty-third districts shall each be entitled to two senators in each session of the decennial period.

The first district shall be entitled to three senators in each session, and two additional senators, one in the third and one in the fourth session of the decennial period.

The seventeenth district, composed of the counties of Knox and Morrow, and the twenty-eighth district, composed of the counties of Wayne and Holmes, having been an

nexed at the last preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session of the decennial period.

The twenty-seventh district, composed of the counties of Lorain and Medina, and the twenty-ninth district, composed of the counties of Ashland and Richland, having in like manner been annexed at the last preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, are entitled to one senator in each session, and one additional senator in the fifth session of the decennial period.

The nineteenth district, composed of the counties of Guernsey, Monroe, and part of Noble, having less than three fourths of a senatorial ratio of population, is, as required by the constitution, annexed to the adjoining district having the least number of inhabitants, which is the eighteenth, composed of the counties of Coshocton and Tuscarawas. The eighteenth and nineteenth districts, so annexed, shall be entitled to one senator in each session, and two additional senators, one in the third and one in the fourth session of the decennial period.

The twenty-fourth district, composed of the counties of Ashtabula, Lake, and Geauga, having also less than three fourths of a senatorial ratio of population, is annexed to the twenty-sixth district, composed of the counties of Portage and Summit, which is the adjoining district having the least number of inhabitants. Said twenty-fourth and twenty-sixth districts, so annexed, shall be entitled to one senator in each session, and two additional senators, one in the third and one in the fourth session of the decennial period.

The sixteenth district, composed of the counties of Delaware and Licking, having less than three-fourths of a senatorial ratio of population, is, in like manner, annexed to the fifteenth district, composed of the counties of Muskingum and Perry; and said districts, so annexed, shall be entitled to one senator in each session, and two additional senators, one in the third and one in the fourth session of the decennial period.

In testimony whereof, we have hereunto subscribed our names, and caused the great

seal of the State of Ohio to be affixed, at Columbus, the ninth day of April,

[SEAL] A. D. 1881.

CHARLES FOSTER, *Governor.*

JOHN F. OGLEVEE, *Auditor of State.*

CHARLES TOWNSEND, *Secretary of State.*



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